

1ST SESSION 26TH CONGRESS.

[Commencing Monday, December 2d, 1839.]

TUESDAY, DECEMBER 10, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate John Goodin to be receiver of public moneys for the district of lands subject to sale at Marion, in the State of Ohio, vice David E. Owen, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 3d*, 1839.

To the Senate of the United States:

I nominate L. S. Pease to be receiver of public moneys for the district of lands subject to sale at Green Bay, in the Territory of Wisconsin, vice Thomas Lee, removed.

M. VAN BUREN.

WASHINGTON, *Dec'r 4th*, 1839.

To the Senate of the United States:

I nominate Stephen R. Rowan to be receiver of public moneys for the district of lands subject to sale at Shawneetown, in the State of Illinois, from the 31st of the present month, when his present commission will expire.

I also nominate Felix G. Allen to be receiver of public moneys for the district of lands subject to sale at Jackson, in the State of Missouri, in the place of Ralph Guild, whose commission will expire on the 31st of the present month.

M. VAN BUREN.

WASHINGTON, *Dec'r 5th*, 1839.

I nominate to the Senate James Points, of Virginia, to be marshal of the United States for the western district of Virginia for the term of four years from the 13th day of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *December 7th*, 1839.

The messages were read.

On motion by Mr. Hubbard,

The Senate, by unanimous consent, proceeded to consider the nomination of L. S. Pease.

Whereupon

Resolved, That the Senate advise and consent to the appointment of L. S. Pease, agreeably to the nomination.

On motion by Mr. Allen,

The Senate, by unanimous consent, proceeded to consider the nomination of John Goodin.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Goodin, agreeably to the nomination.

WEDNESDAY, DECEMBER 11, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Robert R. Reid for the office of governor of the Territory of Florida, in the place of Richard K. Call.

M. VAN BUREN.

WASHINGTON, *December 11th*, 1839.

To the Senate of the United States:

I nominate Charles S. McCauley, now a commander, to be a captain in the Navy from this date, to supply a vacancy.

Harrison H. Cocke, now a lieutenant, to be a commander in the Navy from the 3d of March, 1839, to fill a vacancy occasioned by the promotion of William D. Salter.

William J. McCluney, John B. Montgomery, and Horace B. Sawyer, now lieutenants, to be commanders in the Navy from this date, to supply vacancies.

George McCreery, now a passed midshipman, to be a lieutenant in the Navy from the 3d of March, 1839, vice Harrison H. Cocke, now nominated for promotion.

John A. Winslow, Benjamin More Dove, James R. Sully, Bernard J. Moeller, Ferdinand Piper, Henry Walke, Thornton A. Jenkins, and Joseph C. Walsh, now passed midshipmen, to be lieutenants in the Navy from this date, to fill vacancies.

John C. Mercer and Samuel C. Lawrason, now assistant surgeons, to be surgeons in the Navy from this date, to fill vacancies.

John O'Connor Barclay of Pennsylvania, James B. Gould of New York, Charles H. Wheelwright of Massachusetts, Richard W. Jeffery of Virginia, and Thomas M. Potter of Rhode Island, to be assistant surgeons in the Navy from the 17th of October, 1839, they having been appointed at that time to fill vacancies.

William A. Nelson of Virginia, William G. G. Willson of Maryland, John H. Wright of Massachusetts, to be assistant surgeons in the Navy from this date, to fill vacancies.

M. VAN BUREN.

WASHINGTON, *Decem'r 9th*, 1839.

The messages were read.

THURSDAY, DECEMBER 12, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I transmit, for the consideration and advice of the Senate, a treaty concluded on the third day of September last, with the Stockbridge and Munsee tribes of Indians, with a report from the Secretary of War and other documents in relation to it.

M. VAN BUREN.

WASHINGTON, *December 11th*, 1839.

To the Senate of the United States :

I nominate John D. McCrate to be collector of the customs for the district and inspector of the revenue for the port of Wiscasset, in the State of Maine, from the 6th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 11th*, 1839.

To the Senate of the United States :

I nominate Amos J. Bruce, of Missouri, as Indian agent at St. Peters, from and after the first day of January next, vice Lawrence Taliaferro, whose resignation to take effect on the 31st instant, has been accepted.

M. VAN BUREN.

WASHINGTON, *December —*, 1839.

To the Senate of the United States :

I nominate William Armstrong, whose commission as agent for the Choctaw Indians west of the Mississippi expired during the recess and has been renewed until the close of the present session of Congress, for reappointment to that office.

M. VAN BUREN.

WASHINGTON, *December —*, 1839.

The messages were read.

The treaty with the Stockbridge and Munsee tribes of Indians, who reside upon Lake Winnebago in the Territory of Wisconsin, was read.

On motion by Mr. White, of Tennessee,

Ordered, That the said treaty, with the message and documents, be printed in confidence for the use of the Senate.

On motion by Mr. Wright,

The Senate proceeded to consider the nomination of Robert R. Reid. Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert R. Reid, agreeably to the nomination.

On motion by Mr. Robinson,

The Senate proceeded to consider the nomination of Stephen R. Rowan. Whereupon

Resolved, That the Senate advise and consent to the appointment of Stephen R. Rowan, agreeably to the nomination.

On motion by Mr. Williams,

The Senate proceeded to consider the nomination of Charles S. McCauley.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Charles S. McCauley, agreeably to the nomination.

SATURDAY, DECEMBER 14, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *December 12th*, 1839.

WAR DEPARTMENT, *December 11th*, 1839.

SIR: In submitting the accompanying list of promotions and appointments, which I respectfully recommend for your approval, I beg leave to call your attention to that part of it which relates to the Quartermaster's Department.

The 7th section of the act of 2d of March, 1821, fixing the military peace establishment, provides "that there shall be one Quartermaster-General: that there shall be two quartermasters with the rank, pay, and emoluments of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten nor more than twenty dollars per month, to be regulated by the Secretary of War."

The 3d section of the act of the 18th May, 1826, provides for "two additional quartermasters and ten assistant quartermasters, to be taken from the line of the Army, who shall have the same rank and compensation as are provided for like grades by the act of the 2d March, 1821," above quoted; that is to say, the two additional quartermasters shall have the "rank, pay, and emoluments of majors of cavalry" and the ten additional assistant quartermasters "shall, in addition to their pay in the line, receive a sum not less than ten dollars nor more than twenty dollars per month."

The 9th section of the act of the 5th July, 1838, provides "that the President of the United States be authorized, by and with the advice and consent of the Senate, to add to the Quartermaster's Department, not exceeding two assistant quartermasters-general with the rank of colonels; two deputy quartermasters-general with the rank of lieutenant-colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized * * * provided that all the appointments in the Quartermaster's Department shall be made from the Army; * * * and that promotions in said department shall take place as in regiments and corps."

These are believed to be the only laws now in force which provide for the organization of the Quartermaster's Department, and they are here cited with a view to a full and clear understanding of the question of precedence of rank between certain officers of that department.

Prior to the act of the 5th of July, 1838, last quoted, the assistant quartermasters were selected from the several regiments of the line to perform duty in the Quartermaster's Department. They were never commissioned in the department; they merely received letters of ap-

pointment as assistant quartermasters, and were allowed the additional pay provided by the act of the 2d March, 1821, and 16th May, 1826. They held no rank in the department separate from their rank in the line, and were liable to be returned to their regiments according to the wants of the service or at the pleasure of the President. In completing the organization of the department, provided by the act of 5th July, 1838, several officers were selected from regiments for appointment of assistant quartermasters whose lineal rank was greater than that held by the assistant quartermasters then doing duty in the department, and on the 7th of July the list being nearly completed, it was submitted to the Senate for confirmation. All the assistant quartermasters thus submitted to the Senate were confirmed to take rank from the 7th of July, and in the order they were nominated, which was according to their seniority in the line and agreeably to what was conceived to be the intention of the law. Had the opposite course been pursued the lieutenants serving in the department must either have outranked some of the captains selected, or else the selections must have been confined altogether to the subaltern officers of the Army. It will appear, therefore, that the relative rank of these officers has been properly settled, both by a fair construction of the law and the long established regulation of the service which requires that "in cases where commissions of the same grade and date interfere, a retrospect is to be had to former commissions in actual service at the time of appointment." But as several of the assistant quartermasters who were doing duty in the department prior to the act of the 5th of July, 1838, have felt themselves aggrieved by this construction of the law, and have urged a consideration of their claims to priority of rank, I have felt it my duty to lay their communications before you with a view to their being submitted to the Senate with the accompanying list, should you think proper to do so.

I have the honor to be, very respectfully, y^r mo. ob^t serv^t,
J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *December 11, 1839.*

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Adjutant-General's Department.

First Lieutenant James H. Prentiss, 1st Artillery, to be assistant adjutant-general with the brevet rank of captain of cavalry, 24th May, 1839, vice Turner, resigned.

First Lieutenant William W. S. Bliss, 4th Infantry, to be assistant adjutant-general with the brevet rank of captain of cavalry, 26th October, 1839, vice Griffin, deceased.

Quartermaster's Department.

Major Thomas F. Hunt, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, 8th November, 1839, vice Brant, resigned.

Captain Samuel McKee, assistant quartermaster, to be quartermaster with the rank of major, 8th November, 1839, vice Hunt, promoted.

First Lieutenant James H. Stokes, 4th Artillery, to be assistant

quartermaster with the rank of captain, 21st May, 1839, vice Washington, resigned.

First Lieutenant Abraham C. Myers, 4th Infantry, to be assistant quartermaster with the rank of captain, 21st November, 1839, vice McCrabb, deceased.

First Lieutenant Samuel M. Plummer, 1st Infantry, to be assistant quartermaster with the rank of captain, 22d November, 1839, vice McKee, promoted.

First Lieutenant W. M. D. McKissack, of the 5th Infantry, to be assistant quartermaster with the rank of captain, vice Peyton, deceased.

Medical Department.

Abram McLaren, assistant surgeon, to be surgeon, 30th June, 1839, vice R. Clarke, deceased.

James W. Russell, of the State of New York, to be assistant surgeon, 22d June, 1839.

Henry M. Steiner, of the State of New York, to be assistant surgeon, 22d June, 1839.

John C. Glen, of the State of South Carolina, to be assistant surgeon, 22d June, 1839.

Henry E. Cruttenden, of the State of New York, to be assistant surgeon, 22d June, 1839.

James Simons, of the State of South Carolina, to be assistant surgeon, 11th July, 1839.

Corps of Engineers.

First Lieutenant Charles H. Bigelow to be captain, 16 June, 1839, vice Eliason, deceased.

Second Lieutenant P. G. T. Beauregard to be 1st lieutenant, 16 June, 1839, vice Bigelow, promoted.

Second Lieutenant James H. Trapier to be 1st lieutenant, 1st July, 1839.

Second Lieutenant Stephen H. Campbell to be 1st lieutenant, 1st July, 1839.

Second Lieutenant Jeremiah M. Scarritt to be 1st lieutenant, 1st July, 1839.

Cadet Isaac J. Stevens to be 2d lieutenant, 1st July, 1839.

Cadet Robert Q. Butler to be 2d lieutenant, 1st July, 1839.

Cadet Henry W. Halleck to be 2d lieutenant, 1st July, 1839.

Cadet Jeremy F. Gilmer to be 2d lieutenant, 1st July, 1839.

Cadet Henry L. Smith to be 2d lieutenant, 1st July, 1839.

Corps of Topographical Engineers.

Cadet George Thorn to be brevet 2d lieutenant, 1st July, 1839.

Ordnance Department.

Second Lieutenant Louis A. Walbach to be 1st lieutenant, 16th November, 1839, vice Temple, resigned.

Cadet Franklin D. Callender to be brevet 2d lieutenant, 1st July, 1839.

Brevet 2d Lieutenant Franklin D. Callender to be second lieutenant, 16th November, 1839, vice Walbach, promoted.

First Regiment of Dragoons.

Second Lieutenant Philip Kearney to be 1st lieutenant, 22d July, 1839, vice Bowman, deceased.

Cadet Charles Wickliffe to be second lieutenant, 1st July, 1839.

Cadet Edgar B. Gaither to be second lieutenant, 1st July, 1839.

James H. Carleton, of the State of Maine, to be 2d lieutenant, 18th October, 1839.

Second Regiment of Dragoons.

Second Lieutenant Seth B. Thornton to be 1st lieutenant, 26th November, 1837, vice Hamilton, deceased.

Second Lieutenant Charles A. May to be 1st lieutenant, 15th December, 1837, vice Spalding, resigned.

Cadet John H. Hill to be 2d lieutenant, 1st July, 1839.

Albert Lowry, of the State of Pennsylvania, to be 2d lieutenant, 19th October, 1839.

First Regiment of Artillery.

Second Lieutenant William H. Fowler to be 1st lieutenant, 1st May, 1839, vice Hale, deceased.

Second Lieutenant Isaac S. K. Reeves to be 1st lieutenant, 21st June, 1839, vice Betts, resigned.

Cadet Michael S. Culbertson to be 2d lieutenant, 1st July, 1839.

Cadet Joseph A. Haskin to be 2d lieutenant, 1st July, 1839.

Cadet Henry D. Grafton to be 2d lieutenant, 1st July, 1839.

Cadet Alexander R. Lawton to be 2d lieutenant, 1st July, 1839.

Cadet James B. Ricketts to be 2d lieutenant, 1st July, 1839.

Cadet William S. Smith to be 2d lieutenant, 1st July, 1839.

Cadet Samuel K. Dawson to be 2d lieutenant, 1st July, 1839.

Second Regiment of Artillery.

Second Lieutenant John Sedgwick to be 1st lieutenant, 19th April, 1839, vice Conkling, deceased.

Second Lieutenant William Armstrong to be 1st lieutenant, 1st June, 1839, vice Morgan, resigned.

Second Lieutenant Arnold E. Jones to be 1st lieutenant, 12th November, 1839, vice Peyton, deceased.

Cadet Lucius H. Allen to be 2d lieutenant, 1st July, 1839.

Cadet Henry J. Hunt to be 2d lieutenant, 1st July, 1839.

Cadet Augustus A. Gibson to be 2d lieutenant, 1st July, 1839.

Arthur B. Lansing, late lieutenant 1st Artillery, to be second lieutenant, 13th November, 1839.

Third Regiment of Artillery.

Second Lieutenant William A. Brown to be 1st lieutenant, 5th November, 1839, vice Rodney, deceased.

Cadet Henry S. Burton to be 2d lieutenant, 1st July, 1839.

Second Lieutenant Henry S. Burton to be 1st lieutenant, 11th November, 1839, vice Poole, deceased.

Cadet James L. Rankin to be 2d lieutenant, 1st July, 1839.

Cadet Henry B. Judd to be 2d lieutenant, 1st July, 1839.

Cadet Edward O. C. Ord to be 2d lieutenant, 1st July, 1839.

Cadet Joseph B. Boyd to be 2d lieutenant, 1st July, 1839.

Fourth Regiment of Artillery.

Second Lieutenant Thomas L. Brent to be 1st lieutenant, 1st August, 1839, vice Ross, resigned.

Cadet William Irvin to be 2d lieutenant, 1st July, 1839.

First Regiment of Infantry.

Brevet Major Greenleaf Dearborn, captain of the 2d infantry, to be major, 27th November, 1839, vice Garland, promoted.

First Lieutenant John R. B. Gardenier to be captain, 11th June, 1839, vice Mitchell, deceased.

First Lieutenant Sidney Burbank to be captain, 8th November, 1839, vice McKee, promoted quartermaster and major.

First Lieutenant Seth Eastman to be captain, 12th November, 1839, vice Barker, deceased.

Second Lieutenant John H. King to be 1st lieutenant, 2d March, 1839, vice Stuart, resigned.

Second Lieutenant Robert S. Granger to be 1st lieutenant, 14th March, 1839, vice Bennett, resigned.

Second Lieutenant Alexander W. Reynolds to be 1st lieutenant, 11th June, 1839, vice Gardenier, promoted.

Second Lieutenant Ferdinand S. Mumford to be 1st lieutenant, 11th June, 1839, vice McAlister, resigned.

Second Lieutenant William E. Prince to be 1st lieutenant, 8th November, 1839, vice Burbank, promoted.

Second Lieutenant Samuel E. Muse to be 1st lieutenant, 12th November, 1839, vice Eastman, promoted.

Second Lieutenant George W. T. Wood to be 1st lieutenant, 16th November, 1839, vice Storer, resigned.

Cadet Eleazer Payne to be 2d lieutenant, 1st July, 1839.

Cadet Garrett Barry to be 2d lieutenant, 1st July, 1839.

Cadet William H. Korn to be 2d lieutenant, 1st July, 1839.

George W. Wallace, of the State of Pennsylvania, to be second lieutenant, 1st July, 1839.

Alexander Waugh, of the State of Virginia, to be 2d lieutenant, 1st July, 1839.

John C. Terrett, of the State of Virginia, to be 2d lieutenant, 16th November, 1839.

Benjamin H. Arthur, of the State of Vermont, to be 2d lieutenant, 1st December, 1839.

Second Regiment of Infantry.

Major Bennet Riley, of the 4th infantry, to be lieutenant-colonel, 1st December, 1839, vice Cummings, promoted.

First Lieutenant Amos B. Eaton to be captain, 1st March, 1839, vice Russell, killed.

First Lieutenant Silas Casey to be captain, 1st July, 1839, vice Bradley, resigned.

First Lieutenant Abner Riviere Hetzel to be captain, 27th November, 1839, vice Dearborn, promoted.

Second Lieutenant Marsena R. Patrick to be 1st lieutenant, 1st March, 1839, vice Eaton, promoted.

Second Lieutenant William Alburtis to be 1st lieutenant, 1st July, 1839, vice Casey, promoted.

Second Lieutenant Charles E. Woodruff to be 1st lieutenant, 27th November, 1839, vice Hetzel, promoted.

Cadet Edward R. S. Canby to be 2d lieutenant, 1st July, 1839.

John W. Martin, of the State of Virginia, to be 2d lieutenant, 1st July, 1839.

R. J. Powell, of the State of North Carolina, to be 2d lieutenant, 1st December, 1839.

Third Regiment of Infantry.

First Lieutenant Edwin B. Babbitt to be captain, 1st July, 1839, vice Nelson, promoted.

Second Lieutenant Wilmot Martin to be 1st lieutenant, 1st July, 1839, vice Babbitt, promoted.

Vernon H. Lindenberger, of the State of Louisiana, to be 2d lieutenant, 1st July, 1839.

Fourth Regiment of Infantry.

Lieutenant-Colonel Alexander Cummings, of the 2d Infantry, to be colonel, 1st December, 1839, vice Cutler, resigned.

Major John Garland, of the 1st Infantry, to be lieutenant-colonel, 27th November, 1839, vice Foster, deceased.

Brevet Major Thomas Staniford, captain of the 8th Infantry, to be major, 1st December, 1839, vice Riley, promoted.

Second Lieutenant Marcus C. M. Hammond to be 1st lieutenant, 7th November, 1839, vice McCrabb, deceased.

Theodoric H. Porter, of the State of Pennsylvania, to be 2d lieutenant, 1st July, 1839.

Sidney Smith, of the State of Virginia, to be 2d lieutenant, 1st July, 1839.

Granville O. Haller, of the State of Pennsylvania, to be 2d lieutenant, 17th November, 1839.

Fifth Regiment of Infantry.

Major James S. McIntosh, of the 7th Infantry, to be lieutenant-colonel, 1st July, 1839, vice Burbank, resigned.

First Lieutenant Robert E. Clary to be captain, 3d April, 1839, vice Lacy, deceased.

Second Lieutenant William Root to be 1st lieutenant, 3d April 1839, vice Clary, promoted.

Robert L. Brooke, of the State of Pennsylvania, to be 2d lieutenant, 1st July, 1839.

Henry Little, of the State of Maryland, to be 2d lieutenant, 1st July, 1839.

Spencer Norvell, of the State of Michigan, to be 2d lieutenant, 20th October, 1839.

John C. Robinson, of the State of New York, to be 2d lieutenant, 27th October, 1839.

Sixth Regiment of Infantry.

Second Lieutenant Langdon C. Easton to be 1st lieutenant, 23d July, 1839, vice Harrison, resigned.

Second Lieutenant Edward Johnson to be 1st lieutenant, 9th October, 1839, vice Griffin, deceased.

Lewis A. Armistead, of the State of Virginia, to be 2d lieutenant, 10th July, 1839.

John R. Emory, of the State of Maryland, to be 2d lieutenant, 21st October, 1839.

Edward S. Osgood, of the State of Maine, to be 2d lieutenant, 24th October, 1839.

Edward H. Fitzgerald, of the State of Virginia, to be 2d lieutenant, 26th October, 1839.

Seventh Regiment of Infantry.

Brevet Major Joseph S. Nelson, captain of the 3d Infantry, to be major, 1st July, 1839, vice McIntosh, promoted.

Second Lieutenant Thomas B. Arden to be 1st lieutenant, 1st June, 1839, vice Wells, resigned.

William B. Greene, of the State of Massachusetts, to be 2d lieutenant, 1st July, 1839.

Thomas B. Gannett, of the State of Massachusetts, to be 2d lieutenant, 1st July, 1839.

John C. Henshaw, of the State of New York, to be 2d lieutenant, 1st July, 1839.

Paul D. Geipe, of the State of Pennsylvania, to be 2d lieutenant, 23d October, 1839.

James R. Scott, of the State of Pennsylvania, to be 2d lieutenant, 25th October, 1839.

Eighth Regiment of Infantry.

First Lieutenant William O. Kello to be captain, 1st May, 1839, vice Denny, resigned.

First Lieutenant Edmund A. Ogden to be captain, 1st December, 1839, vice Staniford, promoted.

Second Lieutenant John T. Sprague to be 1st lieutenant, 1st May, 1839, vice Kello, promoted.

Second Lieutenant Lucius O'Brien to be 1st lieutenant, 1st December, 1839, vice Ogden, promoted.

Calvin Hetzel, of the State of Pennsylvania, to be 2d lieutenant, 22d October, 1839.

Grafton D. Hanson, of the District of Columbia, to be 2d lieutenant, 10th December, 1839.

Charles H. Smith, paymaster, to be reappointed, to take effect 24th November, 1839, when his present commission expired.

Captain Benj'n Walker, of the 3d Infantry, to be paymaster, vice Forsyth, dismissed.

Eugene Van Ness, of the State of New York, to be paymaster, vice Lytle, deceased.

To the Senate of the United States:

I nominate Alexander W. Wylly to be collector of the customs for the district of Brunswick and inspector of the revenue for the port of Darien, in the State of Georgia, vice John N. McIntosh, resigned.

M. VAN BUREN.

WASHINGTON, Dec'r 13th, 1839.

I nominate to the Senate John Pettit as attorney of the United States for the district of Indiana, in the place of Tilghman A. Howard, resigned.
M. VAN BUREN.

WASHINGTON, *Dec'r 13th*, 1839.

I nominate to the Senate Anthony I. Bleecker, of the city of New York, as marshal of the United States for the southern district of New York, in the place of Wm. C. H. Waddell, whose commission will expire on the 15th instant.

M. VAN BUREN.

WASHINGTON, *Dec'r 13th*, 1839.

The messages were read.

On motion by Mr. Wright,

The Senate, by unanimous consent, proceeded to consider the nomination of Anthony I. Bleecker.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Anthony I. Bleecker, agreeably to the nomination.

On motion by Mr. White, of Indiana,

The Senate, by unanimous consent, proceeded to consider the nomination of John Pettit.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Pettit, agreeably to the nomination.

MONDAY, DECEMBER 16, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Anthony W. Rabb to be receiver of public moneys for the district of lands subject to sale at Washington, in the State of Mississippi, from the 31st of December, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 14th*, 1839.

To the Senate of the United States :

I nominate Charles C. P. Hunt to be collector of the customs for the district of Miami and inspector of the revenue for the port of Maumee, in the State of Ohio, from the 13th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 14th*, 1839.

To the Senate of the United States :

I nominate John W. Dough to be collector of the customs for the district of Teche and inspector of the revenue for the port of Franklin, in the State of Louisiana, vice Edwin L. Cockle, deceased.

M. VAN BUREN.

WASHINGTON, *Dec'r 14th*, 1839.

To the Senate of the United States:

I nominate Joseph V. Hamilton, of Missouri, as Indian agent for the Otoes, Missourias, Omahas, and Pawnees, vice John Dougherty, resigned. The resignation having occurred during the recess of Congress, Mr. Hamilton received a commission, under which he is now acting, which will expire at the end of the present session.

M. VAN BUREN.

WASHINGTON, Dec'r 14th, 1839.

The messages were read.

On motion by Mr. Clay, of Alabama,

Ordered, That the nominations of Felix G. Allen and Anthony W. Rabb be referred to the Committee on Public Lands.

On motion by Mr. White, of Tennessee,

Ordered, That the nominations of Amos J. Bruce, William Armstrong, and Joseph V. Hamilton be referred to the Committee on Indian Affairs.

On motion by Mr. Roane,

Ordered, That the nomination of James Points be referred to the Committee on the Judiciary.

On motion by Mr. Williams,

Ordered, That the nominations for promotions and appointments in the Navy, received on the 11th instant and not acted on, be referred to the Committee on Naval Affairs.

On motion by Mr. Davis,

Ordered, That the nomination of John W. Dough be referred to the Committee on Commerce.

On motion by Mr. Norvell,

Ordered, That the nominations of John D. McCrate, Alexander W. Wylly, and Charles C. P. Hunt be referred to the Committee on Commerce.

On motion by Mr. Benton,

Ordered, That the nominations for promotion and appointment in the Army, received on the 14th instant, be referred to the Committee on Military Affairs.

The treaty with the Stockbridge and Munsee Indians was read the second time.

On motion by Mr. White, of Tennessee,

Ordered, That the said treaty, with the message and documents communicated therewith, be referred to the Committee on Indian Affairs.

TUESDAY, DECEMBER 17, 1839.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 16th instant, the nominations of Charles H. Smith, Captain Benjamin Walker, and Eugene Van Ness, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Charles H. Smith, Captain Benjamin Walker, and Eugene Van Ness, agreeably to their nominations respectively.

WEDNESDAY, DECEMBER 18, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate James W. Borden, of Indiana, to be receiver of public moneys for the district of lands subject to sale at Fort Wayne, in the

State of Indiana, in the place of John Spencer, whose commission will expire on the 30th instant.

M. VAN BUREN.

WASHINGTON, *December 12th*, 1839.

To the Senate of the United States:

I nominate Christopher H. Dabbs to be register of the land office for the district of lands subject to sale at Ouâchita, in the State of Louisiana, from the 1st of January, 1840, vice Andrew A. Roland, resigned, to take effect at that time.

M. VAN BUREN.

WASHINGTON, *Dec'r 16th*, 1839.

To the Senate of the United States:

I nominate John Miller to be register of the land office for the district of lands subject to sale at Batesville, in the State of Arkansas, vice Isaac Folsom, whose commission will expire on the 30th of the present month.

I also nominate D. I. Chapman to be receiver of public moneys at the same place, vice Aaron W. Lyon, whose commission will expire on the 31st of the present month.

M. VAN BUREN.

WASHINGTON, *Dec'r 16th*, 1839.

To the Senate of the United States:

Commissions having been issued to the persons herein named during the recess of the Senate, I now nominate them to the offices respectively annexed to their names:

John P. Anderson to be attorney of the United States for the western district of Pennsylvania, in the place of Benjamin Patton, resigned.

Arnold Plumer to be marshal of the United States for the western district of Pennsylvania, in the place of Seth Salisbury.

M. VAN BUREN.

The messages were read.

On motion by Mr. Fulton,

The Senate, by unanimous consent, proceeded to consider the nominations of John Miller and D. I. Chapman.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Miller and D. I. Chapman, agreeably to their nominations respectively.

Ordered, That the nominations of James W. Borden and Christopher H. Dabbs be referred to the Committee on Public Lands.

Ordered, That the nominations of John P. Anderson and Arnold Plumer be referred to the Committee on the Judiciary.

Mr. White, of Tennessee, from the Committee on Indian Affairs, to whom were referred, on the 12th and 16th instant, the nominations of Amos J. Bruce and Joseph V. Hamilton, reported.

Whereupon

Resolved. That the Senate advise and consent to the appointment of Amos J. Bruce and Joseph V. Hamilton, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 10th and 16th instant, the nominations of Felix G. Allen, and Anthony W. Rabb, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Felix G. Allen and Anthony W. Rabb, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 16th instant, the nominations for promotion and appointment in the Army, reported the residue of said nominations, with the exception of those for the Quartermaster's Department and Engineer Corps.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the officers in the Adjutant-General's Department, Medical Department, in the Corps of Topographical Engineers, and in the Ordnance Department, agreeably to their respective nominations.

On motion by Mr. Calhoun,

Ordered, That the nominations of officers in the 1st and 2d Regiments of Dragoons, the 1st, 2d, 3d, and 4th Regiments of Artillery, and in the 8 Regiments of Infantry, as reported, be severally laid on the table.

THURSDAY, DECEMBER 19, 1839.

Mr. Davis, from the Committee on Commerce, to whom were referred, on the 16th instant, the nominations of John D. McCrate and Alexander W. Wylly, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John D. McCrate and Alexander W. Wylly, agreeably to their nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 16th instant, the nomination of James Points, and on the 18th instant the nominations of John P. Anderson and Arnold Plumer, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John P. Anderson, Arnold Plumer, and James Points, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 18th instant, the nominations of James W. Borden and Christopher H. Dabbs, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James W. Borden and Christopher H. Dabbs, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 16th instant, the nominations for promotion and appointment in the Army, reported those of officers for the Quartermaster's Department.

Whereupon,

Resolved, That the Senate advise and consent to the promotion and appointment of the said officers in the Quartermaster's Department, agreeably to their respective nominations.

On motion by Mr. Benton,

The Senate proceeded to consider the nominations which were, on the 18th instant, laid on the table.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the officers in the First and Second Regiments of Dragoons, the First, Second, Third, and Fourth Regiments of Artillery, and the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth Regiments of Infantry, agreeably to their respective nominations.

FRIDAY, DECEMBER 20, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate William W. Stevenson to be register of the land office for the district of lands subject to sale at Little Rock, in the State of Arkansas, from the 31st of the present month, vice Samuel M. Rutherford, who declines a reappointment.

M. VAN BUREN.

WASHINGTON, *December 17th*, 1839.

I nominate to the Senate John C. Pedrick as consul of the United States for the port of Rio Grande, in the Empire of Brazil, in the place of Isaac Austin Hayes, deceased.

M. VAN BUREN.

WASHINGTON, *December 18th*, 1839.

To the Senate of the United States :

I nominate Edward Bissell, of New York, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, *Decem'r 18th*, 1839.

To the Senate of the United States :

I nominate George W. Cole to be receiver of public moneys for the district of lands subject to sale at St. Augustine, in the Territory of Florida, vice John C. Cleland, removed.

M. VAN BUREN.

WASHINGTON, *Dec'r 18th*, 1839.

The messages were read.

On motion by Mr. Fulton,

The Senate, by unanimous consent, proceeded to consider the nomination of William W. Stevenson.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William W. Stevenson, agreeably to the nomination.

Ordered, That the nomination of John C. Pedrick be referred to the Committee on Commerce.

Ordered, That the nomination of Edward Bissell be referred to the Committee on Naval Affairs.

Ordered, That the nomination of George W. Cole be referred to the Committee on Public Lands.

MONDAY, DECEMBER 23, 1839.

Mr. White, of Tennessee, from the Committee on Indian Affairs, to whom was referred, on the 16th instant, the nomination of William Armstrong, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William Armstrong, agreeably to the nomination.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 16th instant, the nominations of Harrison H. Cocke, William J. McCluney, John B. Montgomery, Horace B. Sawyer, George McCreery, John A. Winslow, Benjamin More Dove, James R. Sully, Ber. J. Moeller, Ferdinand Piper, Henry Walke, Thornton A. Jenkins, Joseph C. Walsh, John C. Mercer, and Samuel C. Laurason, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

MONDAY, DECEMBER 30, 1839.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Samuel Allinson as consul of the United States at Lyons, in France.

M. VAN BUREN.

WASHINGTON, *December 24th*, 1839.

To the Senate of the United States:

I nominate Joseph Redue to be surveyor and inspector of the revenue for the port of Chester, in the State of Maryland, from the 6th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 24th*, 1839.

To the Senate of the United States:

I nominate John P. Helfenstein to be register of the land office for the district of lands subject to sale at Lima, in the State of Ohio, from the 20th of February, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 24th*, 1839.

To the Senate of the United States:

I nominate J. R. Hardenberg to be surveyor for the district of Perth Amboy and inspector of the revenue for the port of New Brunswick, in the State of New Jersey, from the 6th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 26th*, 1839.

To the Senate of the United States:

I nominate Benjamin Stiles to be collector of the customs for the district and inspector of the revenue for the port of Hardwicke, in the State of Georgia, from the 6th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 26th*, 1839.

To the Senate of the United States :

I nominate for reappointment James McGoffin, register of the land office for the district of lands subject to sale at St. Stephen's, in the State of Alabama, from the 31st of December, 1839, when his present commission will expire.

I also nominate Alanson Saltmarsh to be register of the land office for the district of lands subject to sale at Cahaba, in the State of Alabama, from the 24th of February, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 26th*, 1839.

To the Senate of the United States :

I nominate James R. Pringle to be collector of the customs for the district of Charleston, in the State of South Carolina, from the 29th of January, 1840, when his present commission will expire.

I also nominate Thomas Nelson to be collector of the customs for the district of Richmond, in the State of Virginia, from the 6th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 26th*, 1839.

To the Senate of the United States :

I nominate Albert Badollet to be register of the land office for the district of lands subject to sale at Vincennes, in the State of Indiana, from the 14th of January, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 28th*, 1839.

The messages were read.

Ordered, That the nominations of Samuel Allinson, Joseph Redue, I. R. Hardenberg, Benjamin Stiles, James R. Pringle, and Thomas Nelson be severally referred to the Committee on Commerce.

Ordered, That the nominations of John P. Helfenstein and Albert Badollet be severally referred to the Committee on Public Lands.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nominations of James McGoffin and Alanson Saltmarsh.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 16th instant, the nominations of Charles H. Bigelow and P. G. T. Beauregard as officers in the Corps of Engineers, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations.

Mr. Davis, from the Committee on Commerce, to whom were referred, on the 16th instant, the nominations of Charles C. P. Hunt and John W. Dough, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom were

referred, on the 16th instant, the nominations for assistant surgeons in the Navy, and, on the 20th instant, the nomination of Edward Bissell, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John O'Connor Barclay, James B. Gould, Charles H. Wheelwright, Richard W. Jeffry, Thomas M. Potter, William A. Nelson, William G. G. Willson, John H. Wright, and Edward Bissell, agreeably to their respective nominations.

TUESDAY, DECEMBER 31, 1839.

Mr. King, from the Committee on Commerce, to whom was referred, on the 20th instant, the nomination of John C. Pedrick, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John C. Pedrick, agreeably to the nomination.

FRIDAY, JANUARY 3, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively annexed to their names, viz :

John Dangerfield, jr., to be collector of the customs for the district of East River, in the State of Virginia, from the 13th of January, 1840.

James Dell to be collector of the customs for the district of St. John's and inspector of the revenue for the port of Jacksonville, in the Territory of Florida, from 13th of January, 1840.

Hiram Perry to be surveyor and inspector of the revenue for the port of Albany, in the State of New York, from the 6th of January, 1840.

Thomas P. Norton to be surveyor of the port of Wheeling, in the State of Virginia, from the 6th of January, 1840.

M. VAN BUREN.

WASHINGTON, *Dec'r 30th*, 1839.

The message was read.

Ordered, That the nominations therein contained be referred to the Committee on Commerce.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 16th ultimo, the nominations of James H. Trapier, Stephen H. Campbell, Jeremiah M. Scarritt, Isaac J. Stevens, Robert Q. Butler, Henry W. Halleck, Jeremy F. Gilmer, and Henry L. Smith as officers in the Corps of Engineers, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their respective nominations.

Mr. White, of Tennessee, presented a communication directed to him and signed by Daniel Two Guns and others, as chiefs, sachems, &c., of the Seneca Nation of Indians, alleging that unfair means were practiced in obtaining the assent of those Indians to a treaty concluded

with them, of which they have proof, and requesting that no action be had on said treaty until their arrival at Washington.

The said communication was read; and,

On motion by Mr. White, of Tennessee,

Ordered, That it be laid on the table.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 30th ultimo, the nominations of John P. Helfenstein and Albert Badollet, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

TUESDAY, JANUARY 7, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States :

I nominate to the Senate Jesse D. Bright to be marshal of the United States for the district of Indiana, for four years from the 19th of January, 1840, when the term of service of the present marshal will expire.

M. VAN BUREN.

WASHINGTON, Jan'y 3d, 1840.

To the Senate of the United States :

I nominate John I. Coleman to be register of the land office for the district of lands subject to sale at Huntsville, in the State of Alabama, from the 31st of December, 1839, when his late commission expired.

M. VAN BUREN.

WASHINGTON, Jan'y 4th, 1840.

To the Senate of the United States :

I withdraw the nomination of Thomas P. Norton as surveyor of the port of Wheeling, in the State of Virginia, and nominate Jefferson L. Sangston for said office, vice Thomas P. Norton, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 6th, 1840.

To the Senate of the United States :

I nominate A. H. Hall to be register of the land office for the district of lands subject to sale at Augusta, in the State of Mississippi, vice William Armstead Terrell, appointed 26th of August, 1839, in the place of William Houze, dec'd, and who has neglected to enter on the duties of the office.

I also nominate Asa Hartfield to be receiver of public moneys at the same place, vice James L. Jolley, who has also neglected to enter on the duties of his office.

M. VAN BUREN.

WASHINGTON, Jan'y 7th, 1840.

The messages were read.

Ordered, That the nominations of A. H. Hall and Asa Hartfield be referred to the Committee on Public Lands.

Ordered, That the nomination of Jefferson L. Sangston be referred to the Committee on Commerce.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nomination of John I. Coleman.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John I. Coleman, agreeably to the nomination.

On motion by Mr. Smith, of Indiana,

The Senate, by unanimous consent, proceeded to consider the nomination of Jesse D. Bright.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Jesse D. Bright, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 30th ultimo, the nomination of Samuel Allinson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Samuel Allinson, agreeably to the nomination.

WEDNESDAY, JANUARY 8, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Henry D. Gilpin, at present Solicitor of the Treasury, to be Attorney-General of the United States, in the place of Felix Grundy, resigned.

M. VAN BUREN.

WASHINGTON, 8th January, 1840.

I nominate to the Senate Matthew Birchard, at present Solicitor of the General Land Office, to be Solicitor of the Treasury, in the place of Henry D. Gilpin, appointed Attorney-General.

M. VAN BUREN.

WASHINGTON, 8th January, 1840.

The messages were read.

Ordered, That the nominations therein contained be referred to the Committee on the Judiciary.

FRIDAY, JANUARY 10, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I withdraw the nominations, made on the 7th instant, of A. H. Hall to be register of the land office for the district of lands subject to sale at Augusta, in the State of Mississippi, and Asa Hartfield to be receiver of public moneys at the same place.

M. VAN BUREN.

WASHINGTON, January 9th, 1840.

The message was read.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 8th instant, the nomination of Henry D. Gilpin, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

TUESDAY, JANUARY 14, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Marcus Derkheim to be consul of the United States for the Hanseatic city of Bremen in the place of Joshua Dodge, resigned.

M. VAN BUREN.

WASHINGTON, *January 10th*, 1840.*To the Senate of the United States:*

I nominate Robert Ezell to be collector of the customs for the district and inspector of the revenue for the port of Edenton, in the State of North Carolina, vice Duncan McDonald, whose commission will expire on the 29th of February, 1840.

M. VAN BUREN.

WASHINGTON, *Jan'y 10th*, 1840.*To the Senate of the United States:*

I nominate Jonathan Kearsley to be receiver of public moneys for the district of lands subject to sale at Detroit, in the State of Michigan, from the 10th of February, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Jan'y 11th*, 1840.*To the Senate of the United States:*

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

Edwin McNamee to be receiver of public moneys for the district of lands subject to sale at Helena, in the State of Arkansas, vice Davis Thompson, resigned.

A. S. Lewis to be receiver of public moneys for the district of lands subject to sale at New Orleans, in the State of Louisiana, vice Thomas H. Kennedy, resigned, who was appointed during the recess of the Senate in place of R. M. Carter, resigned.

Woods Mabury to be receiver of public moneys for the district of lands subject to sale at Jeffersonville, in the State of Indiana, vice D. W. Sloane, deceased.

Marvellous Eastham to be register of the land office for the district of lands subject to sale at Springfield, in the State of Illinois, vice A. S. Douglass, resigned.

Benjamin R. Petrikin, register of the land office for the district of lands subject to sale at Du Buque, in the Territory of Iowa, vice I. W. Worthington, resigned.

George R. Girault, register of the land office for the district of lands subject to sale at Choochuma, in the State of Mississippi, vice William Van Norman, resigned.

Henry P. Womack register of the land office at Greensburg, in the State of Louisiana, vice Nicholas Baylis, resigned.

M. VAN BUREN.

WASHINGTON, *January 13th*, 1840.

To the Senate of the United States :

I again submit to you the amended treaty of June 11, 1838, with the New York Indians. It is accompanied by minutes of the proceedings of a council held with them at Cattaraugus on the 13 and 14 days of August, 1839, at which were present, on the part of the United States the Secretary of War, and on the part of the State of Massachusetts General H. A. S. Dearborn, its commissioner, by various documentary testimony, and by a memorial presented in behalf of the several committees on Indian concerns appointed by the four yearly meetings of Friends, of Genesee, New York, Philadelphia, and Baltimore. In the latter document the memorialists not only insist upon the irregularity and illegality of the negotiation, but urge a variety of considerations which appear to them to be very conclusive against the policy of the removal itself. The motives by which they have been induced to take so deep an interest in the subject are frankly set forth, and are doubtless of the most beneficent character. They have, however, failed to remove my decided conviction that the proposed removal, if it can be accomplished by proper means, will be alike beneficial to the Indians, to the State in which the land is situated, and to the more general interest of the United States upon the subject of Indian affairs.

The removal of the New York Indians is not only important to the tribes themselves, but to an interesting portion of Western New York, and especially to the growing city of Buffalo, which is surrounded by lands occupied by the Senecas. To the Indians themselves it presents the only prospect of preservation. Surrounded as they are by all the influences which work their destruction, by temptation they cannot resist and artifices they cannot counteract, they are rapidly declining, and notwithstanding the philanthropic efforts of the Society of Friends, it is believed that where they are they must soon become extinct; and to this portion of our country the extraordinary spectacle is presented of densely populated and highly improved settlements, inhabited by industrious, moral, and respectable citizens, divided by a wilderness on one side of which is a city of more than twenty thousand souls, whose advantageous position in every other respect and great commercial prospects would insure its rapid increase in population and wealth if not retarded by the circumstance of a naturally fertile district remaining a barren waste in its immediate vicinity. Neither does it appear just to those who are entitled to the fee-simple of the land, and who have paid a part of the purchase money, that they should suffer from the waste which is constantly committed upon their reversionary rights and the great deterioration of the land consequent upon such depredations, without any corresponding advantage to the Indian occupants.

The treaty, too, is recommended by the liberality of its provisions. The cession contained in the first article embraces the right, title, and interest secured to "the Six Nations of the New York Indians and St. Regis tribe" in lands at Green Bay by the Menomonee treaty of 8th February, 1831, the supplement thereto of 17th of same month, and the conditions upon which they were ratified by the Senate, except a tract on which a part of the New York Indians now reside. The Menomonee treaty assigned them 500,000 acres, coupled with the original condition that they should remove to them within three years after the date of the treaty, modified by the supplement so as to empower the President to prescribe the term within which they should remove to the Green Bay lands, and that if they neglected to do so within the period limited, so much of the land as should be unoccupied by them at the termination thereof should revert to the United States. To these lands

the New York Indians claimed title, which was resisted, and for quieting the controversy by the treaty of 1831 the United States paid a large consideration, and it will be seen that by using the power given in the treaty the Executive might put an end to the Indian claim. Instead of this harsher measure, for a grant of all their interest in Wisconsin, which, deducting the land in the actual occupancy of New York Indians, amounts to about 435,000 acres, the treaty as amended by the Senate gives 1,824,000 acres of lands in the West, and the sum of \$400,000 for their removal and subsistence, for education and agricultural purposes, the erection of mills and the necessary houses, and the promotion of the mechanic arts. Besides there are special money provisions for the Cayugas, the Onondagas, the Oneidas of New York, the Tuscaroras and St. Regis Indians, and an engagement to receive from Ogden and Fellows for the Senecas 202,000 dollars, to invest 100,000 dollars of this sum in safe stocks, and to distribute \$102,000 among the owners of improvements in New York according to an appraisement; to sell for the Tuscaroras 5,000 acres of land they hold in Niagara County, New York, and to invest the proceeds, exclusive of what may be received for improvements, "the income from which shall be paid to the nation at their new homes annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements when the lands are sold." These are the substantial parts of the treaty, and are so careful of Indian advantage that one might suppose they would be satisfactory to those most anxious for their welfare. The right they cede could be extinguished by a course that treaty provisions justify and authorize; so long as they persevere in their determination to remain in New York it is of no service to them, and for this naked right it is seen what the United States propose to give them, besides the sum of 202,000 dollars, which will be due from the purchasers of their occupant right to the Senecas, and \$9,600 to the Tuscaroras for their title to 1,920 acres of land in Ontario County, New York, exclusive of the 5,000 acres above mentioned.

But whilst such are my views in respect to the measure itself, and while I shall feel it to be my duty to labor for its accomplishment by the proper use of all the means that are or shall be placed at my disposal by Congress, I am at the same time equally desirous to avoid the use of any which are inconsistent with those principles of benevolence and justice which I, on a former occasion, endeavored to show, have in the main characterized the dealings of the Federal Government with the Indian tribes, from the administration of President Washington to the present time. The obstacles to the execution of the treaty grow out of the following considerations: The amended treaty was returned to me by your body at the close of its last session, accompanied by a resolution setting forth that "whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11th, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the 11th of June, 1838, the Senate recommend that the President make proclamation of said treaty, and carry the same into effect." The resolution of the 11th June, 1838, "provided, that the said treaty shall have no force or effect whatever, as relates to any of the said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same with the amendments herein proposed is submitted and fully explained by the commissioner of the United States to each of the said tribes, or bands, separately assembled in council,

and they have given their free and voluntary consent thereto." The amended treaty was submitted to the chiefs of the several tribes, and its provisions explained to them in council. A majority of the chiefs of each of the tribes of New York Indians signed the treaty in council, except the Senecas. Of them only sixteen signed in council, thirteen signed at the commissioner's office, and two, who were confined by indisposition, at home. This was reported to the War Department in October, 1838; and in January, 1839, a final return of the proceedings of the commissioner was made, by which it appeared that forty-one signatures of chiefs, including six out of the eight sachems of the nation, had been affixed to the treaty. The number of chiefs of the Seneca nation entitled to act for the people is variously estimated from seventy-four to eighty, and by some at a still higher number. Thus it appears that, estimating the number of chiefs at eighty, and it is believed there are at least that number, there was only a bare majority of them who signed the treaty, and only sixteen gave their assent to it in council. The Secretary of War was, under these circumstances, directed to meet the chiefs of the New York Indians in council in order to ascertain, if possible, the views of the several tribes, and especially of the Senecas, in relation to the amended treaty. He did so in the month of August last, and the minutes of the proceedings of that council are herewith submitted. Much opposition was manifested by a party of the Senecas, and from some cause or other some of the chiefs of the other tribes who had in former councils consented to the treaty appeared to be now opposed to it. Documents were presented, showing that some of the Seneca chiefs had received assurances of remuneration from the proprietors of the land, provided they assented to the treaty, and used their influence to obtain that of the nation, while testimony was offered on the other side to prove that many had been deterred from signing and taking part in favor of the treaty by threats of violence, which, from the late intelligence of the cruel murders committed upon the signers of the Cherokee treaty, produced a panic among the partisans of that now under consideration. Whatever may have been the means used by those interested in the fee simple of these lands to obtain the assent of Indians, it appears from the disinterested and important testimony of the commissioner appointed by the State of Massachusetts that the agent of the Government, acted throughout with the utmost fairness; and General Dearborn declares himself to be perfectly satisfied that were it not for the unremitted and disingenuous exertions of a certain number of white men, who are actuated by their private interests to induce the chiefs not to assent to the treaty, it would immediately have been approved by an immense majority—an opinion which he reiterated at Cattaraugus. Statements were presented to the Secretary of War, at Cattaraugus, to show that a vast majority of the New York Indians were adverse to the treaty, but no reasonable doubt exists that the same influence which obtained this expression of opinion, would, if exerted with equal zeal on the other side, have produced a directly opposite effect, and shown a large majority in favor of emigration. But no advance towards obtaining the assent of the Seneca tribe to the amended treaty in council was made, nor can the assent of a majority of them in council be now obtained. In the report of the committee of the Senate upon the subject of this treaty of the 28th of February last, it is stated as follows: "But it is in vain to contend that the signatures of the last ten, which were obtained on the second mission, or of the three who have sent on their assent lately, is such a signing as was contemplated by the resolution of the Senate. It is competent, however,

for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last thirteen as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice in making treaties, for divers good reasons, which must be obvious to the Senate: and among those reasons against these secret individual negotiations is the distrust created that the chiefs so acting are doing what a majority of their people do not approve of, or else that they are improperly acted upon by bribery or threats, or unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who signed their assent to the amended treaty with having been bribed; and in at least one instance they make out the charge very clearly." Although the committee, being four in number, were unable to agree upon any recommendation to the Senate, it does not appear that there was any diversity of opinion amongst them in regard to this part of the report. The provision of the resolution of the Senate of the 11th of June, 1838, requiring the assent of each of the said tribes of Indians to the amended treaty to be given in council, and which was also made a condition precedent to the recommendation to me of the Senate of the 2d of March, 1839, to carry the same into effect has not, therefore, been complied with as it respects the Seneca tribe.

It is, however, insisted by the advocates for the execution of the treaty that it was the intention of the Senate by their resolution of the 2d of March, 1839, to waive so much of the requirement of that of the 11th of June, 1838, as made it necessary that the assent of the different tribes should be given in council. This assumption is understood to be founded upon the circumstances that the fact that only sixteen of the chiefs had given their assent in that form had been distinctly communicated to the Senate before the passage of the resolution of the 2d of March, and that instead of being a majority that number constituted scarcely one-fifth of the whole number of chiefs, and it is hence insisted that, unless the Senate had so intended, there would have been no use in sending the amended treaty to the President with the advice contained in that resolution. This has not appeared to me to be a necessary deduction from the foregoing facts, as the Senate may have contemplated that the assent of the tribe in the form first required should be thereafter obtained, and before the treaty was executed, and the phraseology of the resolution, viz, "that whenever the President shall be satisfied, &c.," goes far to sustain this construction. The interpretation of the acts of the Senate, set up by the advocates for the treaty, is, moreover, in direct opposition to the disclaimer contained in the report of the committee which has been adverted to. It is, at best, an inference only, in respect to the truth of which the Senate can alone speak with certainty, and which could not with propriety be regarded as justifying the desired action in relation to the execution of the treaty.

This measure is further objected to on the ground of improper inducements held out to the assenting chiefs by the agents of the proprietors of the lands, which, it is insisted, ought to invalidate the treaty, if even the requirement that the assent of the chiefs should be given in council was dispensed with. Documentary evidence upon this subject was laid before you at the last session, and is again communicated with additional evidence upon the same point. The charge appears by the proceedings of the Senate to have been investigated by your committee, but no conclusion upon the subject formed other than that which is contained in the extract from the report of the committee I have referred to, and which asserts that at least in one instance the charge of bribery has been clearly

made out. That improper means have been employed to obtain the assent of the Seneca chiefs there is every reason to believe, and I have not been able to satisfy myself that I can, consistently with the resolution of the Senate of the 2d of March, 1839, cause the treaty to be carried into effect in respect to the Seneca tribe.

You will perceive that this treaty embraces the Six Nations of New York Indians, occupying different reservations, but bound together by common ties; and it will be expedient to decide whether, in the event of that part of it which concerns the Senecas being rejected, it shall be considered valid in relation to the other tribes, or whether the whole confederacy shall share one fate. In the event of the Senate not advising the ratification of the amended treaty, I invite your attention to the proposal submitted by the dissentients to authorize a division of the lands, so that those who prefer it may go west and enjoy the advantages of a permanent home there, and of their proportion of the annuities now payable, as well as of the several pecuniary and other beneficiary provisions of the amended treaty.

M. VAN BUREN.

WASHINGTON, *January 13th*, 1840.

The messages were read.

Ordered, That the nominations of Marcus Derkheim and Robert Ezell be referred to the Committee on Commerce.

Ordered, That the nominations of persons for the offices of registers and receivers be severally referred to the Committee on the Public Lands.

The treaty with the New York Indians communicated with the message of this day was read, and, by unanimous consent, was read a second time.

On motion by Mr. Sevier,

Ordered, That the message, with the treaty and documents, together with the communication on the same subject, presented on the 3d instant, be referred to the Committee on Indian Affairs.

Mr. King, from the Committee on Commerce, to whom were referred, on the 30th day of December last, the nominations of Joseph Redue, J. R. Hardenberg, Benjamin Stiles, and Thomas Nelson, and on the 3d instant, those of John Dangerfield, jr., James Dell, and Hiram Perry, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 8th instant, the nomination of Matthew Birchard, reported.

WEDNESDAY, JANUARY 15, 1840.

On motion by Mr. Allen,

The Senate proceeded to consider the nomination of Matthew Birchard, which was reported on the 14th instant; and,

After debate,

On the question, Will the Senate advise and consent to the appointment of Matthew Birchard?

It was determined in the affirmative, { Yeas. 32
Nays. 4

On motion by Mr. Walker,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benton, Betts, Brown, Calhoun, Clayton, Crittenden, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Phelps, Pierce, Prentiss, Preston, Roane, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Strange, Tappan, Wall, White, Williams, Wright.

Those who voted in the negative are,

Messrs. Clay of Alabama, Merrick, Mouton, Walker.

So it was

Resolved, That the Senate advise and consent to the appointment of Matthew Birchard, agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

Nicholas Willis to be collector of the customs for the district and inspector of the revenue for the port of Oxford, in the State of Maryland, vice John Willis, deceased.

William F. Haile to be collector of the customs for the district of Champlain and inspector of the revenue for the port of Plattsburg, in the State of New York, vice D. B. McNeil, resigned.

Dennis Prieur to be collector of the customs for the district of Mississippi, in the State of Louisiana, vice J. W. Breedlove, resigned.

Thomas A. S. Donephan to be collector of the customs for the district and inspector of the revenue for the port of Natchez, in the State of Mississippi, vice James Stockman, who did not qualify.

George D. Hale, collector of the customs for the district of Gloucester, in the State of Massachusetts, vice William Beach, resigned.

James R. Thompson, surveyor and inspector of the revenue for the port of Town Creek, in the State of Maryland, vice William B. Scott, resigned.

Alexander K. Phillips, surveyor and inspector of the revenue for the port of Fredericksburg, in the State of Virginia, vice Adam Cooke, deceased.

Eli Moore, surveyor of the district and inspector of the revenue for the port of New York, vice Hector Craig, removed.

William Williams, surveyor and inspector of the revenue for the port of East River, in the State of Virginia, vice Francis Armstead, deceased.

Joseph Litton, surveyor and inspector of the revenue for the port of Nashville, in the State of Tennessee, vice Joel M. Smith, resigned.

Nathaniel P. Porter, surveyor of the port of Louisville, in the State of Kentucky, vice Edw'd S. Camp, deceased.

Aaron Hart, surveyor and inspector of the revenue for the port of Pittsburg, in the State of Pennsylvania, vice John Clark, removed.

M. VAN BUREN.

WASHINGTON, *Jan'y 13th*, 1840.

To the Senate of the United States:

A commission of surveyor of public lands in the States of Illinois and Missouri having been granted during the recess of the Senate to William Milburn, vice Daniel Dunklin, resigned, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, *Jan'y 14th*, 1840.

To the Senate of the United States:

Commissions having been granted during the recess of the Senate to Charles I. F. Allen as appraiser of goods for the port of Boston, in the State of Massachusetts vice John Crowninshield, resigned, and Edward A. Raymond as appraiser of goods at the same place, vice Levi R. Lincoln, removed, I now nominate them to the same offices.

M. VAN BUREN.

WASHINGTON, *Jan'y 15th*, 1840.

The messages were read.

On motion by Mr. Walker,

The Senate, by unanimous consent, proceeded to consider the nomination of William Milburn.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William Milburn, agreeably to the nomination.

Ordered, That the nominations of officers of the customs received this day be referred to the Committee on Commerce.

On motion by Mr. Sevier,

Ordered, That the message, treaty with the New York Indians, and documents relating thereto, received and referred to the Committee on Indian Affairs the 14th instant, be printed in confidence for the use of the Senate.

THURSDAY, JANUARY 16, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Edmund Christian to be marshal of the United States for the eastern district of Virginia, from the 28th day of December, 1839, when his former term of service expired.

M. VAN BUREN.

WASHINGTON, *January 16th*, 1840.

I nominate to the Senate Norris Wilcox to be marshal of the United States for the district of Connecticut, from the 24th day of this month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *January 16th*, 1840.

The messages were read.

On motion by Mr. Roane,

The Senate, by unanimous consent, proceeded to consider the nomination of Edmund Christian.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Edmund Christian, agreeably to the nomination.

On motion by Mr. Hubbard,

The Senate, by unanimous consent, proceeded to consider the nomination of Norris Wilcox.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Norris Wilcox, agreeably to the nomination.

TUESDAY, JANUARY 21, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate Samuel McRoberts, of Illinois, to be Solicitor of the General Land Office, in the place of Matthew Birchard, appointed Solicitor of the Treasury.

M. VAN BUREN.

WASHINGTON, *January 16th*, 1840.

To the Senate of the United States :

I nominate Franklin Clinton, now passed midshipman, to be a lieutenant in the Navy, from the 11th of December, 1839, to supply a vacancy occasioned by the death of Wm. B. Ludlow.

James K. Bowie, now a passed midshipman, to be a lieutenant in the Navy, from this date, to supply a vacancy occasioned by the dismissal of James L. Ball under sentence of a court martial.

M. VAN BUREN.

WASHINGTON, *Jan'y 17th*, 1840.

I nominate to the Senate George W. Churchwell to be attorney of the United States for the district of East Tennessee.

M. VAN BUREN.

WASHINGTON, *January 18th*, 1840.

I nominate to the Senate Joseph A. S. Acklin to be attorney of the United States for the northern and middle districts of Alabama, in the place of Jeremiah Clemens, elected to the legislature of that State.

M. VAN BUREN.

WASHINGTON, *January 18th*, 1840.

I nominate to the Senate the following persons for the offices annexed to their names respectively :

Charles Lane to be marshal of the U. States for the district of New Hampshire, for the term of four years from the third day of March next, when his present commission will expire.

Charles N. Garrett to be marshal of the United States for the district of Louisiana, for the term of four years from the thirtieth of April next, when his present commission will expire.

Elias Rector to be marshal of the United States for the district of Arkansas, for the term of four years from the 29th of June next, when his present commission will expire.

M. VAN BUREN.

Commissions having been issued to the following persons during the recess of the Senate, I now nominate them for the same offices :

Samuel B. Marshall to be marshal of the United States for the district of Middle Tennessee.

James P. Grundy to be attorney of the U. States for the district of Middle Tennessee.

M. VAN BUREN.

To the Senate of the United States :

I transmit to the Senate, for their consideration with a view to its ratification, a treaty of peace, friendship, navigation, and commerce between the United States of America and the Republic of Ecuador, signed at Quito, on the thirteenth day of June last. With a view to enable the Senate to understand the motives which led to this compact, the progress of its negotiation, and the grounds upon which it was concluded, I also communicate a copy of the instructions from the Secretary of State to Mr. Pickett in relation to it, and the original official dispatches of the latter. It is requested that the dispatches may be returned when the convention shall have been disposed of by the Senate.

M. VAN BUREN.

WASHINGTON, *January* —, 1840.

To the Senate of the United States :

I transmit to the Senate, in compliance with the request of the governor of Massachusetts, a copy of a letter addressed to him by one of the chiefs of the Seneca tribe of Indians, in the State of New York, written on behalf of that portion of the tribe opposed to the treaty of Buffalo.

M. VAN BUREN.

WASHINGTON, *January 21st*, 1840.

The messages were read.

On motion by Mr. Walker,

Ordered, That the nomination of Samuel McRoberts be referred to the Committee on Public Lands.

Ordered, That the nominations of Franklin Clinton and James K. Bowie be referred to the Committee on Naval Affairs.

Ordered, That the nominations of Charles Lane, Charles N. Garrett, Elias Rector, Samuel B. Marshall, and James P. Grundy be referred to the Committee on the Judiciary.

On motion by Mr. Grundy,

The Senate, by unanimous consent, proceeded to consider the nomination of George W. Churchwell.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George W. Churchwell, agreeably to the nomination.

On motion by Mr. Clay, of Alabama,

The Senate, by unanimous consent, proceeded to consider the nomination of Joseph A. S. Acklin.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph A. S. Acklin, agreeably to the nomination.

The treaty of peace, friendship, navigation, and commerce with the Republic of Ecuador was read, and, by unanimous consent, was read the second time.

On motion by Mr. King,

Ordered, That the said treaty, with the message and documents communicated therewith, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

On motion by Mr. Sevier,

Ordered, That the message transmitting a letter from the governor of Massachusetts, with a communication from the chiefs of the Seneca tribe of Indians opposed to the treaty of Buffalo, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

FRIDAY, JANUARY 24, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Robert I. Hackley to be register of the land office for the district of lands subject to sale at Tallahassee, in the Territory of Florida, from the 31st of this month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Dec'r 17th, 1839.

To the Senate of the United States:

I nominate John A. Cavedo to be surveyor and inspector of the revenue for the port of Fernandina, in the Territory of Florida, vice Domingo Acosta, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 21st, 1840.

The messages were read.

Ordered, That the nomination of Robert I. Hackley be referred to the Committee on Public Lands.

Ordered, That the nomination of John A. Cavedo be referred to the Committee on Commerce.

Mr. King, from the Committee on Commerce, to whom were referred, on the 30th of December last, the nomination of James R. Pringle; on the 7th instant, that of Jefferson L. Sangston; and, on the 15th instant, those of Nicholas Willis, William F. Haile, Dennis Prieur, Thomas A. S. Donephan, George D. Hale, James R. Thompson, Alexander K. Phillips, Eli Moore, William Williams, Joseph Litton, Nathaniel P. Porter, Aaron Hart, Charles I. F. Allen, and Edward A. Raymond, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 20th of December last, the nomination of George W. Cole, and, on the 14th instant, those of Jonathan Kearsley, Edwin McNamee, A. S. Lewis, Woods Mabury, Marvellous Eastham, Benjamin R. Petrikin, George R. Girault, and Henry P. Womack, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Clay, of Alabama, from the Committee on Public Lands, to whom was referred, on the 21st instant, the nomination of Samuel McRoberts, reported.

On motion by Mr. Clay,

Ordered, That the said nomination be laid on the table.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 21st instant, the nominations of Franklin Clinton and James K. Bowie, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

WEDNESDAY, JANUARY 29, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

Commissions having been issued during the recess of the Senate to the following persons, I now nominate them to the Senate for the offices respectively annexed to their names :

Robert I. Chester to be marshal of the United States for the district of West Tennessee.

Charles Walker to be attorney of the United States for the southern district of Florida.

Henry W. McCorry to be attorney of the United States for the district of West Tennessee.

Charles Weston to be attorney of the United States for the Territory of Iowa.

Robert M. Charleton to be attorney of the United States for the district of Georgia.

Isaac S. Pennybacker to be U. States judge for the district west of the Alleghany Mountains, in the State of Virginia.

John C. Nicoll to be United States judge for the district of Georgia.

R. B. Gilchrist to be United States judge for the district of South Carolina.

Henry Ulshoeffer to be consul of the United States for the port of Trinidad de Cuba.

Mannel Alvarez to be consul of the United States for the city of Santa Fé, in Mexico.

Philip A. de Crenay to be consul of the United States for the island of Martinique.

John William Van Den Broeck to be consul of the United States for the port of Amsterdam.

William Harrison Hollier Griffiths to be commercial agent of the United States for the island of Mauritius.

William Selden, of Virginia, to be Treasurer of the United States, in the place of John Campbell, superseded.

William Findlay to be treasurer of the United States mint at Philadelphia.

Franklin Peale to be chief coiner of the United States mint at Philadelphia.

Horace C. Cammack to be treasurer of the branch mint of the U. States at New Orleans.

Joseph M. Kennedy to be superintendent of the branch mint of the U. States at New Orleans.

John L. Riddel to be melter and refiner at the same mint.

Philos B. Tyler to be coiner at the same mint.

John Henry Young to be clerk to the commissioner for marking the boundary line between the United States and the Republic of Texas.

Joseph McCants to be secretary in and for the Territory of Florida.

James Clarke to be secretary in and for the Territory of Iowa.

Thomas Turner, Charles Scott, and Henry Naylor to be justices of the peace for the county of Washington, in the District of Columbia.

Robert N. Mills to be a justice of the peace for the county of Alexandria, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *January 23d*, 1840.

Commissions having been issued during the recess of the Senate to the following persons, I now nominate them to the Senate for the offices respectively annexed to their names:

Charles Evans to be marshal of the United States for the district of West Florida.

H. L. Holmes to be attorney of the United States for the district of North Carolina.

Edward McCrady to be attorney of the United States for the district of South Carolina.

M. VAN BUREN.

WASHINGTON, *January 23d*, 1840.

To the Senate of the United States:

I nominate John M. Moriarty to be surveyor of the district and inspector of the revenue for the port of Gloucester, in the State of Massachusetts, vice Alphonso Mason, deceased.

M. VAN BUREN.

WASHINGTON, *Jan'y 24th*, 1840.

GENTLEMEN: I nominate for your advice and consent the following persons, who have been appointed during the recess of the Senate, and whose commissions will expire with the present session, to be deputy postmasters at the several places mentioned, viz:

Azariah C. Flagg, Albany, N. Y.

Samuel Workman, Washington, Pa.

James S. Gunnell, Washington, D. C.

Alexander Galt, Norfolk, Va.

Joseph B. Gardner, Toledo, O.

Abraham Coryell, Easton, Pa.

Joshua Vansant, Baltimore, Md.

Charles K. Miller, Bangor, Me.

William McQueen, New Orleans, La.

Joseph Blair, Columbus, Mi.

Allan Tomlin, Galena, Ill.

John W. Townsend, Mobile, Ala.

John H. Lord, Oswego, N. Y.

George L. Douglass, Louisville, Ky.

Nathaniel Mitchell, Portland, Me.

I also nominate for your advice and consent Charles W. Woodbury to be deputy postmaster at Salem, in the State of Massachusetts, in place of Ebenezer Putnam, removed.

M. VAN BUREN.

To the Senate of the United States:

I nominate George W. Jones to be surveyor of public lands for the Territories of Wisconsin and Iowa, vice A. G. Ellis, resigned, to take effect on the 1st of April, 1840.

M. VAN BUREN.

WASHINGTON, *Jan'y 29th*, 1840.

To the Senate of the United States:

I nominate William E. Sawyer to be receiver of public moneys for the district of lands subject to sale at Mardisville, in the State of Alabama, vice Levi W. Lawler, whose commission expired on the 31st of December, 1839.

M. VAN BUREN.

WASHINGTON, *Jan'y 29th*, 1840.

The messages were read.

Ordered, That the nominations of Robert I. Chester, Charles Walker, Henry W. McCoy, Charles Weston, Robert M. Charleton, Isaac S. Pennybacker, John C. Nicoll, R. B. Gilchrist, Joseph McCants, James Clarke, Charles Evans, H. L. Holmes, and Edward McCrady be severally referred to the Committee on the Judiciary.

Ordered, That the nominations of Henry Ulshoeffer, Manuel Alvarez, Philip A. de Crenay, John William Van den Broeck, William Harrison, Hollier Griffiths, and John M. Moriarty be severally referred to the Committee on Commerce.

Ordered, That the nominations of William Seldon, William Findlay, and Franklin Peale be severally referred to the Committee on Finance.

Ordered, That the nomination of John Henry Young be referred to the Committee on Foreign Relations.

Ordered, That the nominations of Thomas Turner, Charles Scott, Henry Naylor, and Robert N. Mills be referred to the Committee on the District of Columbia.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations of George W. Jones and William E. Sawyer be severally referred to the Committee on Public Lands.

On motion by Mr. Nicholas,

Ordered, That the nominations of Horace C. Cammack, Joseph M. Kennedy, John L. Riddel, and Philos B. Tyler be severally laid on the table.

Mr. King, from the Committee on Commerce, to whom were referred, on the 14th instant, the nominations of Marcus Derkheim and Robert Ezell, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

FRIDAY, JANUARY 31, 1840.

Mr. Clay, of Alabama, from the Committee on Public Lands, to whom were referred, on the 29th instant, the nominations of George W. Jones and William E. Sawyer, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their respective nominations.

MONDAY, FEBRUARY 10, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate William Halloway to be surveyor and inspector of the revenue for the port of North Kingston, in the State of Rhode Island, from the 15th of February, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Feb'y 1st, 1840.

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotions and appointments in the Army to the several grades annexed to their names, as proposed in the accompanying letter of the Secretary of War.

M. VAN BUREN.

WASHINGTON CITY, *February 4th*, 1840.

WAR DEPARTMENT, *February 4th*, 1840.

SIR: I have the honor to submit the annexed list of officers for regular promotion and persons for appointment in the Army, and respectfully to request, should it meet your approbation, its transmission to the Senate for the action of that body.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *February 4th*, 1840.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Dragoons.

First Lieutenant George A. H. Blake to be captain, 3d December, 1839, vice Bryant, resigned.

Second Lieutenant Wm. J. Hardie to be first lieutenant, 3d December, 1839, vice Blake, promoted.

Ephraim M. Thayer, of the State of Ohio, to be second lieutenant, 29th December, 1839.

Third Regiment of Infantry.

First Lieutenant Nath'l C. Macrae to be captain, 18th December, 1839, vice Walker, appointed paymaster.

Second Lieutenant Josiah H. Vose, jr., to be 1st lieutenant, 18th December, 1839, vice Macrae, promoted.

Robert D. Stephen, of the State of Virginia, to be second lieutenant, 31st December, 1839.

Fourth Regiment of Infantry.

William Brownell, of the State of Connecticut, to be second lieutenant, 30th December, 1839.

Sixth Regiment of Infantry.

Leonidas Wetmore, of the State of Missouri, to be 2d lieutenant, 31st December, 1839.

To the Senate of the United States :

I nominate Isaac W. Jewett to be collector of the customs for the district of Pearl River and inspector of the revenue for the port of Pearl-ington, in the State of Mississippi, vice Samuel Learned, resigned.

M. VAN BUREN.

WASHINGTON, *Feb'y 5th*, 1840.

To the Senate of the United States :

I nominate A. H. Hall to be receiver of public moneys for the district of lands subject to sale at Augusta, in the State of Mississippi, vice James L. Jolly, who did not qualify.

M. VAN BUREN.

WASHINGTON, *Feb'y 5th*, 1840.

A commission having been issued during the recess of the Senate to Jonas R. McClintock, of Pennsylvania, as melter and refiner of the mint of the United States, at Philadelphia, in the place of Franklin Peale, appointed chief coiner at the same mint, I now nominate him for that office.

I withdraw the nomination of William Findlay as treasurer of the mint of the U. States at Philadelphia, which was made to the Senate on the 23d of January, under a misapprehension.

M. VAN BUREN.

WASHINGTON, *February 7th*, 1840.

I nominate to the Senate George W. Montgomery to be consul of the United States for the port of Tampico, in Mexico.

M. VAN BUREN.

WASHINGTON, *Feb'y 8th*, 1840.

I nominate to the Senate John Mills to be attorney of the United States for the district of Massachusetts, from the 13th day of January, 1840, when his former commission expired.

M. VAN BUREN.

WASHINGTON, *Feb'y 8th*, 1840.

The messages were read.

Ordered, That the nominations of William Halloway, Isaac W. Jewett, and George W. Montgomery be severally referred to the Committee on Commerce.

Ordered, That the nominations of officers in the Army be referred to the Committee on Military Affairs.

Ordered, That the nomination of A. H. Hall be referred to the Committee on Public Lands.

Ordered, That the nomination of Jonas R. McClintock be referred to the Committee on Finance.

Ordered, That the nomination of John Mills be referred to the Committee on the Judiciary.

Mr. Robinson, from the Committee on the Post-Office and Post Roads, to whom were referred, on the 29th of January, the nominations of deputy postmasters, reported the same with the exception of Joseph B. Gardner and Joshua Vansant.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Azariah C. Flagg, Samuel Workman, James S. Gunnell, Alexander Galt, Abraham Coryell, Charles K. Miller, William McQueen, Joseph Blair, Allan Tomlin, John W. Townsend, John H. Lord, George L. Douglass, Nathaniel Mitchell, and Charles W. Woodbury, agreeably to their respective nominations.

Mr. Walker, from the Committee on Public Lands, to whom was re-

ferred, on the 24th of January, the nomination of Robert I. Hackley, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert I. Hackley, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 24th of January, the nominations of John A. Cavedo, and, on the 29th of January, those of Henry Ulshoeffer, Manuel Alvarez, Philip A. de Crenay, John William Van Den Broeck, and William Harrison Hollier Griffiths, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 29th of January, the nomination of John Henry Young, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Henry Young, agreeably to the nomination.

Mr. Sevier presented sundry documents received from the War Department, being memorials from the Society of Friends, from the Tuscarora Indians, from sundry individuals of the Senecas, and affidavits of persons residing in the State of New York; he also presented memorials from sundry residents of the county of Cataraugus and of the western part of New York, all adverse to the ratification of the treaty with the New York Indians, now before the Senate.

Mr. Sevier also presented a communication from a number of persons resident at Buffalo, in the State of New York, directed to the Honorable Millard Fillmore, of the House of Representatives, and two affidavits received from B. T. Strong, in favor of the ratification of the said treaty.

Mr. Wright presented a communication from a number of citizens of Buffalo, urging the ratification of the said treaty.

Ordered, That the said papers relating to the treaty with the New York Indians be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

MONDAY, FEBRUARY 17, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Thomas M. Newell, now a commander, to be a captain in the Navy, from the 28th of January, 1840, to supply a vacancy occasioned by the death of Commodore Isaac Chauncey.

Cornelius K. Stribling, now a lieutenant, to be a commander in the Navy, from the 28th of Jan'y, 1840, to supply the vacancy occasioned by the promotion of Thomas M. Newell.

John Rodgers, now a passed midshipman, to be a lieutenant in the Navy, from the 28th of January, 1840, to fill a vacancy occasioned by the promotion of Cornelius K. Stribling.

John B. Marchand, now a passed midshipman, to be a lieutenant in the Navy, from the 29th of Jan'y, 1840, to fill a vacancy occasioned by the death of James R. Sully.

William Rogers Taylor, now a passed midshipman, to be a lieutenant in the Navy, from this date, to fill a vacancy occasioned by the death of R. R. Pinkham.

M. VAN BUREN.

WASHINGTON, *February 10th*, 1840.

A commission having been issued during the recess of the Senate to Harmanus Bleecker, of New York, as chargé d'affaires to the Netherlands, I now nominate him to that office.

M. VAN BUREN.

WASHINGTON, *February 11th*, 1840.

A commission having been issued during the recess of the Senate to Henry Ledyard as secretary of the legation of the United States at Paris, I now nominate him for that office.

M. VAN BUREN.

WASHINGTON, *February 11th*, 1840.

To the Senate of the United States :

I nominate Henry G. S. Key to be surveyor and inspector of the revenue for the port of Llewellynburg, in the State of Maryland, from the 19th of the present month, when his commission will expire.

M. VAN BUREN.

WASHINGTON, *Feb'y 15th*, 1840.

The messages were read.

Ordered, That the nominations of officers in the Navy be referred to the Committee on Naval Affairs.

Ordered, That the nominations of Harmanus Bleecker and Henry Ledyard be referred to the Committee on Foreign Relations.

Ordered, That the nomination of Henry G. S. Key be referred to the Committee on Commerce.

Mr. Wright, from the Committee on Finance, to whom were referred, on the 29th of January, the nominations of William Selden and Franklin Peale, and, on the 10th instant, that of Jonas R. McCintock, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their respective nominations.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 21st of January, the nominations of Charles Lane, Charles N. Garrett, Elias Rector, Samuel B. Marshall, and James P. Grundy, and, on the 29th of January, those of Robert I. Chester, Charles Walker, Henry W. McCorry, Charles Weston, Robert M. Charleton, Isaac S. Pennybacker, John C. Nicoll, R. B. Gilchrist, Joseph McCants, James Clarke, Charles Evans, H. L. Holmes, and Edward McCrady, and, on the 10th instant, that of John Mills, reported them severally to the Senate.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 29th of January, the nomination of Joshua Vansant, reported.

After debate,

On the question, Will the Senate advise and consent to the appointment of Joshua Vansant ?

It was determined in the affirmative, { Yeas 24
Nays 8

On motion by Mr. Merrick,

The yeas and nays being desired by one fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright.

Those who voted in the negative are,

Messrs. Merrick, Prentiss, Ruggles, Smith of Indiana, Spence, Tallmadge, Webster, White.

So it was

Resolved, That the Senate advise and consent to the appointment of Joshua Vansant, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 10th instant, the nomination of A. H. Hall, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of A. H. Hall, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 29th of January, the nomination of John M. Moriarty, and, on the 10th instant, those of William Halloway, Isaac W. Jewett, and George W. Montgomery, reported them severally to the Senate.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

TUESDAY, FEBRUARY 25, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate Wesley Jones, of North Carolina, to be marshal of the United States for the district of North Carolina, from the 26th day of April, 1840, when the term of service of the present marshal will expire.

M. VAN BUREN.

WASHINGTON, *February* 19, 1840.

To the Senate of the United States :

I nominate Gershom Mott to be collector of the customs for the district and inspector of the revenue for the port of Burlington, in the State of New Jersey, from the 28th of March, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Feb'y* 25th, 1840.

To the Senate of the United States :

I nominate Thomas Armstrong to be surveyor and inspector of the revenue for the port of Carter's Creek, in the district of Tappahannock, in the State of Virginia, from the 31st of March, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Feb'y* 25th, 1840.

The messages were read.

On motion by Mr. Brown,

The Senate, by unanimous consent, proceeded to consider the nomination of Wesley Jones.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Wesley Jones, agreeably to the nomination.

Ordered, That the nominations of Gershom Mott and Thomas Armstrong be severally referred to the Committee on Commerce.

WEDNESDAY, MARCH 4, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I transmit to the Senate, for their consideration with a view to its ratification, a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic, concluded and signed in the city of Washington on the 11th of April last. I also communicate, as explanatory of the motives to the adoption of a new convention and illustrative of the course of the negotiation, the correspondence between the Secretary of State and Mr. Martinez, the late minister of Mexico accredited to this Government, and also such parts of the correspondence between the former and Mr. Ellis as relate to the same subject. By the letters of Mr. Ellis it will be seen that the convention now transmitted to the Senate has been already ratified by the Government of Mexico. As some of the papers are originals, it is requested that they may be returned to the Department of State when the convention shall have been disposed of by the Senate.

M. VAN BUREN.

WASHINGTON, *February 27th*, 1840.

To the Senate of the United States :

I nominate Isaac Pipkin to be surveyor and inspector of the revenue for the port of Murfreesborough, in the State of North Carolina, from the 22d of March, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Feb'y 26th*, 1840.

To the Senate of the United States :

I nominate Felix G. H. Long to be surveyor and inspector of the revenue for the port of St. Andrew's Bay, in the Territory of Florida, vice Theophilus F. Loftin, who has vacated the office.

M. VAN BUREN.

WASHINGTON, *Feb'y 27th*, 1840.

To the Senate of the United States :

I nominate to the Senate George H. Flood, of Ohio, to be chargé d'affaires of the United States to the Republic of Texas, in the place of Alcée La Branche, resigned.

M. VAN BUREN.

WASHINGTON, *February 27th*, 1840.

To the Senate of the United States :

I nominate Duncan B. Graham to be register of the land office for the district of lands subject to sale at Montgomery, in the State of Alabama, vice John H. Sommerville, deceased.

M. VAN BUREN.

WASHINGTON, *Feb'y 27th*, 1840.

To the Senate of the United States :

I nominate Thomas Johnson to be register of the land office for the district of lands subject to sale at Batesville, in the State of Arkansas, vice John Miller, who declines the appointment.

M. VAN BUREN.

WASHINGTON, *Feb'y 28th*, 1840.

To the Senate of the United States :

I nominate Daniel Ashby to be receiver of public moneys for the district of lands subject to sale at Lexington, in the State of Missouri, vice Edwin M. Ryland, superseded.

M. VAN BUREN.

WASHINGTON, *March 2d*, 1840.

To the Senate of the United States :

I nominate James N. Roach to be collector of the customs for the district and inspector of the revenue for the port of St. Mary's, in the State of Maryland, from the 14th of April, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 2d*, 1840.

To the Senate of the United States :

I nominate Nathaniel Jackson to be surveyor for the district and inspector of the revenue for the port of Newburyport, in the State of Massachusetts, from the 30th of April, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 3d*, 1840.

To the Senate of the United States :

I nominate Lewis B. Willis to be surveyor and inspector of the revenue for the port of New Orleans, in the district of Mississippi and State of Louisiana, from the 14th of April, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 3d*, 1840.

The messages were read.

The convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic was read.

On motion by Mr. Allen,

Ordered, That the said treaty, with the message and accompanying documents, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

Ordered, That the nominations of Isaac Pipkin, Felix G. H. Long,

James N. Roach, Nathaniel Jackson, and Lewis B. Willis be severally referred to the Committee on Commerce.

Ordered, That the nomination of George H. Flood be referred to the Committee on Foreign Relations.

On motion by Mr. Clay, of Alabama,

The Senate, by unanimous consent, proceeded to consider the nomination of Duncan B. Graham.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Duncan B. Graham, agreeably to the nomination.

On motion by Mr. Fulton,

The Senate, by unanimous consent, proceeded to consider the nominations of Thomas Johnson and Daniel Ashby.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas Johnson and Daniel Ashby, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 17th of February last, the nominations of Thomas M. Newell, Cornelius K. Stribling, John Rodgers, John B. Marchand, and William Rogers Taylor, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Merrick, from the Committee on the District of Columbia, to whom were referred, on the 29th of January last, the nominations of Thomas Turner, Charles Scott, Henry Naylor, and Robert N. Mills, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

THURSDAY, MARCH 5, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Elie A. F. Lavallette, now a commander, to be a captain in the Navy, from the 23d of February, 1840, to fill a vacancy occasioned by the death of David Deacon.

Joshua R. Sands, now a lieutenant in the Navy, to be a commander in the Navy, from the 23d of February, 1840, to supply a vacancy occasioned by the promotion of Elie A. F. Lavallette.

H. J. Hartstone, now a passed midshipman, to be a lieutenant in the Navy, from the 23d of February, 1840, to fill a vacancy occasioned by the promotion of Joshua R. Sands.

Thomas B. Nalle, of Virginia, to be a purser in the Navy, from the 17th of October, 1839.

Thomas P. McBlair, of Mississippi, to be a purser in the Navy, from the 11th of November, 1839.

I. P. B. Wilmer, of Virginia, to be a chaplain in the Navy, from the 7th of March, 1839.

Rodman Lewis, of Indiana, to be a chaplain in the Navy, from the 13th of March, 1839.

M. VAN BUREN.

WASHINGTON, *March 2d*, 1840.

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed in the accompanying letter of the Secretary of War.

M. VAN BUREN.

WASHINGTON CITY, *March —, 1840.*

WAR DEPARTMENT, *March 3d, 1840.*

SIR: I have the honor respectfully to propose the officers named in the annexed list for regular promotion in the Army, and of the person named therein for appointment to it; and to request, should it meet your approbation, its transmission to the Senate for the constitutional action of that body.

Very respectfully, y'r mo. ob't s'v't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *March 3d, 1840.*

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Dragoons.

First Lieutenant Alexander S. Macomb to be captain, 18th February, 1840, vice Dade, dismissed.

Second Lieutenant Hamilton W. Merrill to be first lieutenant, 18th February, 1840, vice Macomb, promoted.

Second Lieutenant Owen P. Ransom to be first lieutenant, 18th February, 1840, vice Hardia, dismissed.

Fifth Regiment of Infantry.

First Lieutenant James L. Thompson to be captain, 1st March, 1840, vice Lowe, resigned.

Second Lieutenant Daniel H. McPhail to be 1st lieutenant, 1st March, 1840, vice Thompson, promoted.

Medical Department.

Assistant Surgeon George F. Turner to be surgeon, 1st January, 1840, vice Clark, deceased.

Thomas C. Madison, of Florida, to be assistant surgeon, 27th February, 1840.

To the Senate of the United States :

I nominate Richard Whiting to be register of the land office for the district of lands subject to sale at Tuscaloosa, in the State of Alabama, vice Patrick Redmond, resigned.

M. VAN BUREN.

WASHINGTON, *March 4th, 1840.*

To the Senate of the United States :

I nominate James L. Edwards to be Commissioner of Pensions.

M. VAN BUREN.

WASHINGTON CITY, *March 5th, 1840.*

Gentlemen of the Senate :

I nominate, for your advice and consent, Asa B. Cassidy to be deputy postmaster at Zanesville, in the State of Ohio, from the 1st of April, 1840, in place of William Blocksom, resigned.

M. VAN BUREN.

The messages were read.

On motion by Mr. Hubbard,

The Senate, by unanimous consent, proceeded to consider the nomination of James L. Edwards.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James L. Edwards, agreeably to the nomination.

Ordered, That the nominations for promotion and appointment in the Navy be referred to the Committee on Naval Affairs.

Ordered, That the nominations for promotion and appointment in the Army be referred to the Committee on Military Affairs.

Ordered, That the nomination of Richard Whiting be referred to the Committee on Public Lands.

Ordered, That the nomination of Asa R. Cassidy be referred to the Committee on the Post-Office and Post-Roads.

Mr. King, from the Committee on Commerce, to whom were referred, on the 17th of February, the nomination of Henry G. S. Key, on the 25th of February those of Gershom Mott and Thomas Armstrong, and on the 4th instant those of Isaac Pipkin, Felix G. H. Long, James N. Roach, Nathaniel Jackson, and Lewis B. Willis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Sevier, from the Committee on Indians, to whom was referred, on the 14th of January last, the treaty with the New York Indians, reported the same to the Senate with the following resolution :

Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, in the year of our Lord, 1838, by Ransom H. Gillett, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, assembled in council; the amendments proposed to the said treaty by the resolution of the Senate of the 11th of June, 1838, not having been assented to by the said Indians according to the terms of the said resolution.

TUESDAY, MARCH 10, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate James S. Green to be attorney of the United States for the district of New Jersey for the term of four years from the 13th day of January, 1840, when his former commission expired.

M. VAN BUREN.

WASHINGTON, *March 6th*, 1840.

To the Senate of the United States :

I nominate Adam Wardwell to be surveyor and inspector of the revenue for the port of Bristol, in the State of Rhode Island, from the 28th of March, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 6th*, 1840.

Commissions having been issued during the recess of the Senate to the following persons, I now nominate them to the Senate for the offices respectively annexed to their names:

Charles J. Nourse, Joshua Pierce, Samuel Smoot, and Henry Howison to be justices of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *March 7th*, 1840.

I nominate to the Senate John F. Bacon, of New York, to be consul of the United States at Nassau, in the Island of New Providence, in the place of George Huyler.

M. VAN BUREN.

WASHINGTON, *March 9th*, 1840.

I nominate to the Senate Isaac H. Bronson, of New York, to be judge of the United States for the eastern district of Florida, for the term of four years, in the place of Robert R. Reid, appointed governor of that Territory.

M. VAN BUREN.

WASHINGTON, *March 10th*, 1840.

I nominate to the Senate Alfred Balch, of Tennessee, to be judge of the United States for the middle district of Florida, for the term of four years, in the place of Thomas Randall, whose term of service has expired.

M. VAN BUREN.

WASHINGTON, *March 10th*, 1840.

To the Senate of the United States :

I nominate William McNider to be collector of the customs for the district and inspector of the revenue for the port of Edenton, in the State of North Carolina, vice Robert Ezell, declined.

M. VAN BUREN.

WASHINGTON, *March 10th*, 1840.

The messages were read.

Ordered, That the nominations of James S. Green, Isaac H. Bronson, and Alfred Balch be referred to the Committee on the Judiciary.

Ordered, That the nominations of Adam Wardwell, John F. Bacon, and William McNider be referred to the Committee on Commerce.

Ordered, That the nominations of Charles J. Nourse, Joshua Pierce, Samuel Smoot, and Henry Howison be referred to the Committee on the District of Columbia.

On motion by Mr. Nicholas,

The Senate proceeded to consider the nominations of Joseph M. Kennedy, John L. Riddle, Philos B. Tyler, and Horace C. Cammack, which were received and laid upon the table on the 29th January last; and,

Ordered, That the said nominations be referred to the Committee on Finance.

The Senate, as in Committee of the Whole, proceeded to consider the treaty with the New York Indians, together with the resolution reported by the Committee on Indian Affairs.

Mr. Tallmadge submitted the following motion for consideration:

That the resolution reported by the Committee on Indian Affairs on

the 5th instant, be amended by striking out the same after the word "Resolved," and inserting the following in lieu thereof:

That in the opinion of the Senate the amendments proposed by a resolution of the Senate of the 11th of June, 1838, to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, in the year of our Lord 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, assembled in council, have been assented to by said Indians according to the terms of said resolution.

WEDNESDAY, MARCH 11, 1840.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 10th instant, the nominations of James S. Green, Isaac H. Bronson and Alfred Balch, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 5th instant, the nominations of Alexander S. Macomb, Hamilton W. Merrill, Owen P. Ransom, James L. Thompson, Daniel H. McPhail, George F. Turner, and Thomas C. Madison, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

FRIDAY, MARCH 13, 1840.

Mr. Wright, from the Committee on Finance, to whom were referred, on the 10th instant, the nominations of Horace C. Cammack, Joseph M. Kennedy, John L. Riddle, and Philos B. Tyler, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. King, from the Committee on Commerce, to whom was referred, on the 10th instant, the nomination of John F. Bacon, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John F. Bacon, agreeably to the nomination.

On motion by Mr. Grundy,

The Senate proceeded to consider the nomination of Samuel McRoberts, which was reported from the Committee on Public Lands and laid upon the table on the 24th of January last.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Samuel McRoberts, agreeably to the nomination.

MONDAY, MARCH 16, 1840.

Mr. Buchanan, from the Committee on Foreign Relations, to whom were referred, on the 17th of February, the nominations of Harmanus Bleecker and Henry Ledyard; and on the 4th instant the nomination of George H. Flood, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of

Harmanus Bleecker, and George H. Flood, agreeably to their nominations respectively.

After debate,

On the question, Will the Senate advise and consent to the appointment of Henry Ledyard?

It was determined in the affirmative, { Yeas 28
Nays 3

On motion by Mr. Tappan,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Anderson, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Cuthbert, Dixon, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Phelps, Porter, Prentiss, Roane, Sevier, Smith of Indiana, Southard, Sturgeon, Tallmadge, Webster, White, Wright, Young.

Those who voted in the negative are,

Messrs. Strange, Tappan, Williams.

So it was

Resolved, That the Senate advise and consent to the appointment of Henry Ledyard, agreeably to the nomination.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 21st of January, the treaty with the Republic of Ecuador, reported the same to the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution for consideration :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of peace, friendship, navigation, and commerce between the United States of America and the Republic of Ecuador, concluded at Quito on the thirteenth day of June, eighteen hundred and thirty-nine.

On motion by Mr. Buchanan,

Ordered, That the said resolution be laid on the table.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 5th instant, the nominations of Elie A. F. Lavalette, Joshua R. Sands, and H. J. Hartstene, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate William N. Mills to be a justice of the peace for the county of Alexandria, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *March 12th*, 1840.

To the Senate of the United States :

I nominate Joseph W. Curtis, of Vermont, to be a second lieutenant in the Marine Corps, to supply a vacancy occasioned by the dismissal of Louis F. Whitney, under sentence of a court-martial.

M. VAN BUREN.

WASHINGTON, *March 13th*, 1840.

To the Senate of the United States :

A commission having been granted during the recess of the Senate to Francis S. Beatie as collector of the customs for the district and

inspector of the revenue for the port of St. Marks, in the Territory of Florida, vice Ambrose Crane, removed, I now nominate him to the same.
M. VAN BUREN.

WASHINGTON, *March 13th*, 1840.

To the Senate of the United States :

A commission having been granted during the recess of the Senate to William Armstead Terrell as register of the land office for the district of lands subject to sale at Augusta, in the State of Mississippi, vice William Houze, deceased, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, *March 13th*, 1840.

A commission having been issued during the recess of the Senate to William Marvin as judge of the United States for the southern district of Florida, I now nominate him for that office.

M. VAN BUREN.

WASHINGTON, *March 16th*, 1840.

I nominate to the Senate Hiram P. Hastings to be consul of the United States for the port of Trinidad de Cuba, in the place of Henry Ulshoeffer, deceased.

M. VAN BUREN.

WASHINGTON, *March 16th*, 1840.

The messages were read.

Ordered, That the nomination of William N. Mills be referred to the Committee on the District of Columbia.

Ordered, That the nomination of Joseph W. Curtis be referred to the Committee on Naval Affairs.

Ordered, That the nominations of Francis S. Beattie and Hiram P. Hastings be referred to the Committee on Commerce.

Ordered, That the nomination of William Armstead Terrell be referred to the Committee on Public Lands.

Ordered, That the nomination of William Marvin be referred to the Committee on the Judiciary.

TUESDAY, MARCH 17, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Calvin Blythe to be collector of the customs for the district of Philadelphia, in the State of Pennsylvania, vice George Wolf, deceased.

M. VAN BUREN.

WASHINGTON, *March 17th*, 1840.

The message was read.

On motion by Mr. Buchanan,

The Senate, by unanimous consent, proceeded to consider the nomination of Calvin Blythe.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Calvin Blythe, agreeably to the nomination.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 4th instant, the convention with the Mexican Republic, reported the same to the Senate without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic, done at the city of Washington on the 11th day of April, 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 30.

Those who voted are,

Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Dixon, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Phelps, Prentiss, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tappan, Wall, White, Williams, Wright, Young.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Merrick, from the Committee on the District of Columbia, to whom were referred, on the 10th instant, the nominations of Charles J. Nourse, Joshua Pierce, Samuel Smoot, and Henry Howison, and, on the 16th instant, that of William N. Mills, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, MARCH 18, 1840.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, together with the resolution reported from the Committee on Indian Affairs on the 5th instant, and the amendment thereto submitted by Mr. Tallmadge on the 10th instant.

Mr. Phelps submitted the following proposition:

That the resolution submitted by Mr. Tallmadge on the 10th instant be amended by inserting, after the word "*Resolved,*" the words *two-thirds of the Senators present concurring.*

After debate,

On motion by Mr. Sevier,

The Senate adjourned.

THURSDAY, MARCH 19, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I submit herewith, for your consideration and constitutional action, the treaty accompanying the inclosed communication of the Secretary of War, made with the Shawnee Indians west of the Mississippi River,

for the purchase of a portion of their lands, with the view of procuring for the Wyandot Indians, of Ohio, a satisfactory residence west.
M. VAN BUREN.

WASHINGTON CITY, *March 19th*, 1840.

WAR DEPARTMENT, *March —*, 1840.

SIR: I have the honor to submit for your consideration, and, if it meets your approbation, for transmission to the Senate, a treaty concluded on the 18th December last with the Shawnee Indians, by their chiefs, headmen, and counselors, and an explanatory communication of the 17th instant from the Commissioner of Indian Affairs.

Very respectfully, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,
March 17th, 1840.

SIR: Negotiations with the Wyandots for a cession of their lands in Ohio and removal to the country west of the Mississippi have been pending for some years. During the past season two exploring parties from that tribe have visited the West, and were tolerably well pleased with the district to which it was proposed to remove them, but expressed a strong preference for a tract which the Shawnees and Delawares offered to sell to the United States for them. The commissioner charged with the business of treating with the Wyandots was of opinion that if this tract could be procured there would be little difficulty in concluding a treaty. He was therefore, under these circumstances, instructed to make the purchase, subject to the ratification of the President and Senate, and dependent on the condition that the Wyandots will accept it, and on the 18th of December last effected a treaty with the Shawnees by which they ceded a tract of about 58,000 acres on those conditions, at the price of \$1.50 per acre. No purchase has been made from the Delawares, as they refuse to sell at a less price than \$5 per acre, and it is thought that the land ceded by the Shawnees, will be amply sufficient for the present.

I have the honor herewith to submit the treaty with the Shawnees, to be laid, if you think proper, before the President and Senate for ratification.

Very respectfully, your ob't serv't,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,
Secretary of War.

The message was read.

The treaty with the Shawnee Indians transmitted with said message was read the first time.

On motion by Mr. Sevier,

Ordered, That the message, treaty, and accompanying documents be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, and the resolution, with the amendments proposed thereto; and,

After debate,

On motion by Mr. Tallmadge,
The Senate adjourned.

FRIDAY, MARCH 20, 1840.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, and the resolution, with the amendments proposed thereto; and,

After debate,

On motion by Mr. Tallmadge,

The Senate adjourned.

MONDAY, MARCH 23, 1840.

Mr. Sevier presented a memorial from Seneca White and sixty-seven others, as head chiefs, sachems, and chiefs of the Seneca Nation of Indians, remonstrating against an appropriation to carry into effect the treaty with the New York Indians now pending, stating that the Senecas would derive no benefit therefrom, denying ownership in any lands in Wisconsin Territory, and declaring their intention not to leave their lands in New York.

The memorial was read; and,

On motion by Mr. Sevier,

Ordered, That it be printed in confidence for the use of the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, and the resolution, with the amendments proposed thereto; and,

After debate,

On motion by Mr. Wright,

The Senate adjourned.

TUESDAY, MARCH 24, 1840.

Mr. Tallmadge presented the affidavits of Zebulon Ferris and nine other individuals residing in the State of New York, representing that unfair and improper means had been used in exciting opposition to the treaty with the New York Indians.

On motion by Mr. Tallmadge,

Ordered, That the said affidavits be printed in confidence for the use of the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, and the resolution, with the amendments proposed thereto; and,

After debate,

Mr. Phelps, by unanimous consent, withdrew the amendment submitted by him on the 18th instant.

Mr. Clay, of Kentucky, submitted the following motion for consideration:

That the amendment submitted by Mr. Tallmadge on the 10th instant to the resolution reported from the Committee on Indian Affairs on the 5th instant be amended by striking out all following the word "That," and inserting:

The amended treaty of the 15th of January, 1838, with the Six Nations of New York Indians, be respectfully returned to the President, the Senate being of opinion that the question whether the amendments required to the treaty by the resolution of ratification of the 11th day of June, 1838, have been assented to by the said Indians, is a question which was referred to the

exclusive decision of the President, and on which the Senate is not constitutionally required to act.

On the question to agree thereto,

It was determined in the negative, { Yeas... 9
Nays... 28

On motion by Mr. Clay, of Kentucky,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Clay of Kentucky, Clayton, Dixon, Merrick, Porter, Prentiss, Preston, Ruggles, Southard.

Those who voted in the negative are,

Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Phelps, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tallmadge, Tappan, White, Williams, Wright, Young.

The question then recurred on agreeing to the amendment submitted by Mr. Tallmadge on the 10th instant.

It was determined in the negative, { Yeas... 18
Nays... 19

On motion by Mr. Tallmadge,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benton, Dixon, Grundy, Henderson, Hubbard, Lumpkin, Merrick, Norvell, Preston, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wright, Young.

Those who voted in the negative are,

Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Fulton, King, Linn, Nicholas, Phelps, Porter, Prentiss, Roane, Sevier, Southard, Strange, White, Williams.

Mr. Porter submitted the following motion for consideration :

That the resolution reported from the Committee on Indian Affairs on the 5th instant be amended by striking out the whole thereof after the word "Resolved," and inserting:

That the amended treaty of the 15th of January, 1838, with the Six Nations of New York Indians, be respectfully returned to the President, the Senate being of opinion that the question whether the amendments required to the treaty by the resolution of ratification of the 11th day of June, 1838, have been assented to by the said Indians, is a question which was referred to the exclusive decision of the President, and on which the Senate is not constitutionally required to act; but that while the Senate does not feel called on to exercise its constitutional treaty-making power in the premises, it is nevertheless of opinion that the said resolution of the 11th of June, 1838, ought not to be so construed as to require the signatures of the several chiefs to be given to said amendments in open council.

On the question to agree thereto,

It was determined in the negative, { Yeas... 13
Nays... 23

On motion by Mr. Hubbard,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benton, Grundy, Henderson, Hubbard, Porter, Robinson, Ruggles, Smith of Indiana, Tallmadge, Tappan, Wright, Young.

Those who voted in the negative are,

Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Dixon, Fulton, King, Linn, Lumpkin, Merrick, Nicholas, Norvell, Phelps, Prentiss, Roane, Sevier, Southard, Strange, Sturgeon, White, Williams.

Mr. Tallmadge submitted the following motion for consideration :

That the resolution reported from the Committee on Indian Affairs on the 5th instant be amended by striking out the whole thereof after the word "Resolved," and inserting :

As the sense of the Senate, That after the amended treaty with the New York Indians had been submitted and explained by a commissioner of the United States to each of the tribes separately assembled in council, the assent thereto of chiefs freely and voluntarily given before such commissioner was a due compliance with the intent and meaning of the resolution of the Senate of the 11th June, 1838.

On the question to agree thereto,

It was determined in the negative, { Yeas 16
Nays 20

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Benton, Grundy, Hubbard, Lumpkin, Merrick, Norvell, Porter, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wright, Young.

Those who voted in the negative are,

Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Dixon, Fulton, Henderson, King, Linn, Nicholas, Phelps, Prentiss, Roane, Sevier, Southard, Strange, White, Williams.

On motion by Mr. Tallmadge,
The Senate adjourned.

WEDNESDAY, MARCH 25, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Taliaferro Hunter, of Virginia, to be a purser in the Navy, to fill a vacancy occasioned by the dismissal of Peyton A. Southall.

Thomas E. Norris, of Maryland, to be a purser in the Navy, to fill a vacancy occasioned by the dismissal of Josiah Colston.

M. VAN BUREN.

WASHINGTON, *March 21st*, 1840.

To the Senate of the United States :

I nominate Benjamin F. Sands, now a passed midshipman in the Navy, to be a lieutenant in the Navy, from the 16th of March, 1840, to fill a vacancy occasioned by the death of Wm. Lambert.

M. VAN BUREN.

WASHINGTON, *March 23d*, 1840.

I nominate to the Senate James E. Freeman, of New York, to be consul of the United States for the port of Ancona, in the Roman States.

M. VAN BUREN.

WASHINGTON, *March 23d*, 1840.

I nominate General I. G. Searcy as marshal of the United States for the middle district of Florida, in place of Sam'l W. Duvall, deceased.

M. VAN BUREN.

MARCH *24th*, 1840.

The messages were read.

Ordered, That the nominations of Taliaferro Hunter, Thomas E. Norris, and Benjamin F. Sands be referred to the Committee on Naval Affairs.

Ordered, That the nomination of James E. Freeman be referred to the Committee on Commerce.

Ordered, That the nomination of I. G. Searcy be referred to the Committee on the Judiciary.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the New York Indians, together with the resolution reported from the Committee on Indian Affairs.

Mr. Henderson submitted the following motion for consideration :

That the resolution reported by the Committee on Indian Affairs on the 5th instant be amended by striking out all after the word "Resolved," and inserting :

That, in the opinion of the Senate, the treaty between the United States and the Six Nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca tribe included; and that, in the opinion of the Senate, the President is authorized to proclaim the treaty as in full force and operation.

To which Mr. Porter proposed the following amendment, viz: To strike out all after the word "That," where it first occurs, and insert:

In the opinion of the Senate, the resolutions of the 11th June, 1838, relative to the amendments proposed to the treaty with the several tribes of the Six Nations of New York Indians, concluded at Buffalo on the 15th January, 1838, ought not to be so construed as to require the signatures and seals of the chiefs to be affixed to the said amendments in open council in order to make their assent thereto valid, provided it shall appear that the amendments have been fully explained to them in open council, agreeably to the true intent and meaning of the said resolution.

And,

After debate,

On the question to agree to the amendment proposed by Mr. Porter,

It was determined in the negative, { Yeas..... 7
Nays 28

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Benton, Hubbard, Norvell, Porter, Preston, Ruggles, Smith of Indiana.

Those who voted in the negative are,

Messrs. Allen, Anderson, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Fulton, Grundy, Henderson, King, Linn, Lumpkin, Nicholas, Phelps, Prentiss, Roane, Robinson, Sevier, Strange, Sturgeon, Tallmadge, Tappan, White, Williams, Wright, Young.

Mr. Phelps then proposed to amend the amendment submitted by Mr. Henderson by inserting at the beginning thereof the words *two-thirds of the Senators present concurring*.

On the question to agree thereto,

It was determined in the negative, { Yeas..... 18
Nays 18

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Fulton, King, Linn, Nicholas, Phelps, Prentiss, Roane, Sevier, Southard, Strange, Williams.

Those who voted in the negative are,

Messrs. Allen, Benton, Grundy, Henderson, Hubbard, Lumpkin, Norwell, Porter, Preston, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Tappan, White, Wright, Young.

The Senate being equally divided,

The Vice President voted in the negative.

The question then recurred on agreeing to the amendment submitted by Mr. Henderson,

And it was determined in affirmative, { Yeas..... 19
Nays 19

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benton, Dixon, Grundy, Henderson, Hubbard, Lumpkin, Merrick, Norvell, Porter, Preston, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wright, Young.

Those who voted in the negative are,

Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Fulton, King, Linn, Nicholas, Phelps, Prentiss, Roane, Sevier, Southard, Strange, White, Williams.

The Senate being equally divided,

The Vice President voted in the affirmative.

No further amendment having been made to the resolution, the treaty, with the resolution so amended, was reported to the Senate; and

On the question to agree to the resolution reported by the Committee on Indian Affairs, thus amended?

It was determined in the affirmative, { Yeas..... 19
Nays 19

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Benton, Dixon, Grundy, Henderson, Hubbard, Lumpkin, Merrick, Norvell, Porter, Preston, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wright, Young.

Those who voted in the negative are,

Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Fulton, King, Linn, Nicholas, Phelps, Prentiss, Roane, Sevier, Southard, Strange, White, Williams.

The Senate being equally divided,

The Vice President voted in the affirmative.

So it was

Resolved, That, in the opinion of the Senate, the treaty between the United States and the Six Nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca tribe included; and that, in the opinion of the Senate, the President is authorized to proclaim the treaty as in full force and operation.

Ordered, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Clay, of Alabama,
The Senate adjourned.

THURSDAY, MARCH 26, 1840.

On motion by Mr. Sevier, that the injunction of secrecy be removed from the proceedings of the Senate and the documents with and relating to the treaty with the New York Indians,

Mr. Norvell moved to amend the same by inserting, after the word "Senate," the words *the debates*; and

After debate,

The said motion was agreed to.

The motion of Mr. Sevier thus amended having been agreed to,

It was

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate, the debates, and the documents connected with and relating to the treaty with the New York Indians.

Mr. King, from the Committee on Commerce, to whom were referred, on the 10th instant, the nominations of Allen Wardwell and William McNider, and, on the 16th instant, that of Hiram P. Hastings, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom was referred, on the 25th instant, the nomination of Benjamin F. Sands, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Benjamin F. Sands, agreeably to the nomination.

WEDNESDAY, APRIL 1, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Henry D. Pierre to be naval officer for the district of Mississippi, in the State of Louisiana, from the 14th of April, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 26th*, 1840.

To the Senate:

I withdraw the nomination of Taliaferro Hunter for purser in the Navy, in the place of Peyton A. Southall.

M. VAN BUREN.

WASHINGTON, *March 27th*, 1840.

To the Senate of the United States:

I nominate Thomas Eastin to be Navy agent for the port of Pensacola, West Florida, for four years from the 30th of May next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 28*, 1840.

To the Senate of the United States:

I nominate Aloyisius Thompson to be surveyor and inspector of the revenue for the port of Llewellynsburg, in the State of Maryland, vice H. G. S. Key, resigned, to take effect on the 1st of April, 1840.

M. VAN BUREN.

WASHINGTON, *March 30th*, 1840.

To the Senate of the United States :

I nominate John S. Hacker to be register of the land office for the district of lands subject to sale at Kaskaskia, in the State of Illinois, vice Miles Hotchkiss, whose commission will expire on the 30th of April, 1840.

M. VAN BUREN.

WASHINGTON, *March 31st*, 1840.

The messages were read.

Ordered, That the nominations of Henry D. Pierre and Aloysius Thompson be referred to the Committee on Commerce.

Ordered, That the nomination of Thomas Eastin be referred to the Committee on Naval Affairs.

Ordered, That the nomination of John S. Hacker be referred to the Committee on Public Lands.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 5th of March, the nomination of Asa R. Cassidy, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Asa R. Cassidy, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 10th of February, the nominations of George A. H. Blake, Wm. I. Hardie, Ephraim M. Thayer, Nathaniel C. Macrae, Josiah H. Vose, Robert D. Stephen, William Brownell, and Leonidas Wetmore, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, of Alabama, from the Committee on Public Lands, to whom was referred, on the 5th of March, the nomination of Richard Whiting, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Richard Whiting, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 16th of March, the nomination of Francis S. Beattie, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Francis S. Beattie, agreeably to the nomination.

FRIDAY, APRIL 3, 1840.

Mr. Strange, from the Committee on Naval Affairs, to whom were referred, on the 5th of March, the nominations of Thomas B. Nalle, Thomas P. McBlair, J. P. B. Wilmer, and Rodman Lewis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Strange, from the said committee, to whom was referred, on the 25th of March, the nomination of Thomas E. Norris, reported the same to the Senate with a recommendation that it be not confirmed; and,

After debate,

On motion by Mr. Preston,

Ordered, That it be laid on the table.

FRIDAY, APRIL 10, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

A commission having been granted during the recess of the Senate to Robert N. Kelley, as register of the land office for the district of lands subject to sale at Opelousas, in the State of Louisiana, vice Edward V. Davis, deceased, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, *April 4th*, 1840.

I nominate to the Senate Charles F. Ryan to be consul of the United States at Copenhagen, in the place of Charles I. Hambro, who, having removed from Denmark, has resigned.

M. VAN BUREN.

WASHINGTON, *February 5th*, 1840.

To the Senate of the United States:

I nominate George Forbes to be surveyor of the port of Wheeling, in the State of Virginia, vice Jefferson L. Sangston, resigned.

M. VAN BUREN.

WASHINGTON, *April 7th*, 1840.

The messages were read.

Ordered, That the nomination of Robert N. Kelley be referred to the Committee on Public Lands.

Ordered, That the nominations of Charles F. Ryan and George Forbes be referred to the Committee on Commerce.

MONDAY, APRIL 13, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Nathan Bardin to be surveyor and inspector of the revenue for the port of Bristol, in the State of Rhode Island, vice Allen Wardwell, deceased.

M. VAN BUREN.

WASHINGTON, *April 4th*, 1840.

The message was read.

Ordered, That the nomination of Nathan Bardin be referred to the Committee on Commerce.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 1st instant, the nomination of John S. Hacker, reported.

Mr. Walker, from the same committee, to whom was referred, on the 16th of March, the nomination of William Armstead Terrell, and on the 9th instant that of Robert N. Kelley, also reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John S. Hacker, William Armstead Terrell, and Robert N. Kelley, agreeably to their nominations respectively.

THURSDAY, APRIL 16, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Henry L. Biscoe to be register of the land office for the district of lands subject to sale at Helena, in the State of Arkansas, from the 1st of May, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 13th, 1840.

To the Senate of the United States:

I nominate Richard M. Gaines to be attorney of the United States for the southern district of Mississippi for the term of four years, his former term of service having expired.

M. VAN BUREN.

WASHINGTON CITY, 14th April, 1840.

To the Senate of the United States:

I nominate Charles S. Wallack, of the State of Ohio, to be consul of the United States at the port of Matagorda, in the Republic of Texas, in the place of John A. Monges, deceased.

M. VAN BUREN.

WASHINGTON CITY, 14th April, 1840.

To the Senate of the United States:

I nominate Vinton Butler, of Florida, to be district attorney of the United States for the district of West Florida, in the place of George Walker, resigned.

M. VAN BUREN.

14TH APRIL, 1840.

The messages were read.

On motion by Mr. Fulton,

The Senate, by unanimous consent, proceeded to consider the nomination of Henry L. Biscoe.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Henry L. Biscoe, agreeably to the nomination.

On motion by Mr. Walker,

The Senate, by unanimous consent, proceeded to consider the nomination of Richard M. Gaines.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Richard M. Gaines, agreeably to the nomination.

Ordered, That the nomination of Charles S. Wallack be referred to the Committee on Commerce.

Ordered, That the nomination of Vinton Butler be referred to the Committee on the Judiciary.

TUESDAY, APRIL 21, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate Seth Driggs, of New York, to be consul of the United States for Cumaná, Barcelona, and the Island of Margarita, in the Republic of Venezuela, to reside at Cumaná.

M. VAN BUREN.

WASHINGTON, April 16th, 1840.

To the Senate of the United States :

I nominate Wade H. Greening to be register of the land office for the district of lands subject to sale at Sparta, in the State of Alabama, from the 14th of May, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 16th, 1840.

The messages were read.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nomination of Wade H. Greening.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Wade H. Greening, agreeably to the nomination.

Ordered, That the nomination of Seth Driggs be referred to the Committee on Commerce.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 16th of March, the nomination of William Marvin, on the 25th of March that of I. G. Searcy, and on the 16th of April that of Vinton Butler, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom were referred on the 25th of March the nomination of James E. Freeman, on the 9th of April those of Charles F. Ryan and George Forbes, on the 13th of April that of Nathan Bardin, and on the 16th of April that of Charles S. Wallack, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

MONDAY, APRIL 27, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Thomas Gatewood to be naval officer for the district of Norfolk and Portsmouth, in the State of Virginia, from the 6th of May, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 21st, 1840.

To the Senate of the United States:

I nominate Robert M. Noxen to be collector of the customs for the district and inspector of the revenue for the port of Edenton, in the State of North Carolina, vice William McNider, declined.

M. VAN BUREN.

WASHINGTON, 30th April, 1840.

I nominate to the Senate James B. Sheppard of North Carolina, to be attorney of the United States for the district of North Carolina, in the place of H. L. Holmes, resigned.

M. VAN BUREN.

WASHINGTON, April 27th, 1840.

The messages were read.

Ordered, That the nominations of Thomas Gatewood and Robert M. Noxen be referred to the Committee on Commerce.

Ordered, That the nomination of James B. Sheppard be referred to the Committee on the Judiciary.

Mr. King, from the Committee on Commerce, to whom were referred, on the 1st instant, the nominations of Henry D. Pierre and Aloysius Thompson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom was referred, on the 1st instant, the nomination of Thomas Eastin, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas Eastin, agreeably to the nomination.

Mr. Fulton, from the Committee on the Post Office and Post-Roads, to whom was referred, on the 29th of January, the nomination of Joseph B. Gardner, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph B. Gardner, agreeably to the nomination.

WEDNESDAY, APRIL 29, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Benjamin Bythwood to be collector of the customs of the district and inspector of the revenue for the port of Beaufort, in the State of South Carolina, vice David Turner, removed.

M. VAN BUREN.

WASHINGTON, April 28th, 1840.

I nominate to the Senate Robert White and David Saunders to be justices of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, April 29th, 1840.

The messages were read.

Ordered, That the nomination of Benjamin Bythwood be referred to the Committee on Commerce.

On motion by Mr. Merrick,

The Senate, by unanimous consent, proceeded to consider the nominations of Robert White and David Saunders.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Smith, of Indiana, from the Committee on the Judiciary, to whom was referred, on the 27th instant, the nomination of James B. Sheppard, reported.

MONDAY, MAY 4, 1840.

On motion by Mr. King,

The Senate proceeded to consider the nomination of James B. Sheppard, which was reported on the 29th of April.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James B. Sheppard, agreeably to the nomination.

Mr. Williams, from the Committee on Naval Affairs, to whom was referred, on the 16th of March, the nomination of Joseph W. Curtis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph W. Curtis, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 21st of April, the nomination of Seth Driggs, and, on the 27th of April, that of Robert M. Noxen, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

TUESDAY, MAY 12, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate John I. Young, now a lieutenant, to be a commander in the Navy, from the 15th of April, 1840, to fill a vacancy occasioned by the death of Commander John White.

Henry French, now a passed midshipman, to be lieutenant in the Navy, to supply a vacancy occasioned by the promotion of Lieut. John J. Young.

M. VAN BUREN.

WASHINGTON, May 4th, 1840.

To the Senate of the United States :

I nominate John B. Nicolson, a captain in the Navy, to be a member of the Board of Commissioners for the Navy of the United States, to fill a vacancy occasioned by the death of Commodore Isaac Chauncey.

M. VAN BUREN.

WASHINGTON, May 5th, 1840.

To the Senate of the United States :

I nominate John French to be surveyor for the district and inspector of the revenue for the port of New London, in the State of Connecticut, from the 21st of June, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *May 6th*, 1840.

To the Senate of the United States :

I nominate Robert Butler to be surveyor of public lands for the Territory of Florida, from the 11th of June, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *May 8th*, 1840.

The messages were read.

Ordered, That the nominations of John I. Young, Henry French, and John B. Nicolson be severally referred to the Committee on Naval Affairs.

Ordered, That the nomination of Robert Butler be referred to the Committee on Public Lands.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nomination of John French.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John French, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 29th day of April, the nomination of Benjamin Bythwood, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Benjamin Bythwood, agreeably to the nomination.

Mr. Sevier, from the Committee on Indian Affairs, to whom was referred, on the 16th of December last, the treaty with the Stockbridge and Munsee Indians, reported the same to the Senate without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty, and no amendment being made thereto, it was reported to the Senate.

Mr. Sevier submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of a treaty made at Stockbridge, in the Territory of Wisconsin, on the 3d day of September, in the year of our Lord 1839, between the United States of America by their commissioner, Albert Gallup, and the Stockbridge and Munsee tribes of Indians who reside upon Lake Winnebago, in the Territory of Wisconsin.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

There were yeas, 25; nays, 1.

There not being a quorum of the Senate present,

On motion by Mr. Sevier,

The Senate adjourned.

WEDNESDAY, MAY 13, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate Joseph B. Browne to be marshal of the United States for the district of south Florida for the term of four years from the 8th day of June next, when the term of service of the present marshal will expire.

M. VAN BUREN.

WASHINGTON, *May 13th*, 1840.

The message was read.

Ordered, That the nomination of Joseph B. Browne be referred to the Committee on the Judiciary.

The Senate resumed the consideration of the resolution submitted on the 12th instant by Mr. Sevier for the ratification of the treaty with the Stockbridge and Munsee Indians.

On the question to agree thereto,

It was determined in the affirmative, {	Yeas.....	32
	Nays.....	2

Those who voted in the affirmative are,

Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Dixon, Fulton, Henderson, Hubbard, King, Knight, Lumpkin, Mouton, Nicholas, Norvell, Porter, Preston, Roane, Robinson, Sevier, Strange, Sturgeon, Tallmadge, Tappan, Walker, Webster, White, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Smith of Indiana and Southard.

Ordered, That the Secretary lay the said resolution before the President of the United States.

MONDAY, MAY 18, 1840.

The following message were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate John M. Niles, of the State of Connecticut, to be Postmaster-General of the U. States in the place of Amos Kendall, resigned, the appointment to take effect from the 25th instant.

M. VAN BUREN.

To the Senate of the U. States :

I nominate Churchill C. Cambreling to be envoy extraordinary and minister plenipotentiary to Russia, Hezekiah Gold Rogers to be chargé d'affaires to Sardinia, and Aaron Vail to be chargé d'affaires to Spain.

M. VAN BUREN.

WASHINGTON CITY, *16th May*, 1840.

The messages were read.

On motion by Mr. Robinson,

The Senate, by unanimous consent, proceeded to consider the nomination of John M. Niles.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John M. Niles, agreeably to the nomination.

Ordered, That the nominations of Churchill C. Cambreling, Hezekiah Gold Rogers, and Aaron Vail be referred to the Committee on Foreign Relations.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 12th instant, the nominations of John I. Young, Henry French, and John B. Nicolson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

WEDNESDAY, MAY 20, 1840.

The following messages was received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Leigh Read to be marshal of the United States for the middle district of Florida in the place of I. G. Searcy, who has declined that appointment.

M. VAN BUREN.

WASHINGTON, May 19th, 1840.

The message was read.

Ordered, That the nomination of Leigh Read be referred to the Committee on the Judiciary.

Mr. Allen, from the Committee on Foreign Relations, to whom were referred, on the 18th instant, the nominations of Churchill C. Cambreling, Hezekiah Gold Rogers, and Aaron Vail, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Churchill C. Cambreling and Aaron Vail, agreeably to their nominations respectively.

FRIDAY, MAY 22, 1840.

Mr. King, from the Committee on Commerce, to whom was referred, on the 27th of April, the nomination of Thomas Gatewood, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas Gatewood, agreeably to the nomination.

Mr. Clayton, from the Committee on the Judiciary, to whom were referred, on the 13th instant, the nomination of Joseph B. Browne, and, on the 20th instant, that of Leigh Read, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

On motion by Mr. Allen,

The Senate proceeded to consider the nomination of Hezekiah Gold Rogers; and, after debate,

On motion by Mr. Wright,

Ordered, That the said nomination be laid on the table.

MONDAY, MAY 25, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Thomas James to be receiver of public moneys for the district of lands subject to sale at Danville, in the State of Illinois, vice Samuel McRoberts, resigned.

M. VAN BUREN.

WASHINGTON, *May 21st*, 1840.

To the Senate of the United States :

I nominate John Beach, of Iowa Territory, for the office of agent for the Sacs and Foxes of the Mississippi, in place of Joseph M. Street, deceased.

M. VAN BUREN.

WASHINGTON, *May 22d*, 1840.

To the Senate of the U. States :

I nominate Samuel P. Walker to be deputy postmaster at Columbia, Tennessee, in the place of A. C. Hay, deceased.

M. VAN BUREN.

WASHINGTON, *May 26th*, 1840.

The messages were read.

Ordered, That the nomination of Thomas James be referred to the Committee on Public Lands.

Ordered, That the nomination of John Beach be referred to the Committee on Indian Affairs.

Ordered, That the nomination of Samuel P. Walker be referred to the Committee on the Post-Office and Post-Roads.

FRIDAY, MAY 29, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Sullivan S. Rawson to be collector of the customs for the district of Passamaquoddy, in the State of Maine, vice Samuel A. Morse, whose commission will expire on the 22d of June, 1840.

M. VAN BUREN.

WASHINGTON, *May —*, 1840.

The message was read.

Ordered, That the nomination of Sullivan S. Rawson be referred to the Committee on Commerce.

Mr. Sevier, from the Committee on Indian Affairs, to whom was referred, on the 25th instant, the nomination of John Beach, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Beach, agreeably to the nomination.

Mr. Sevier, from the same committee, to whom was referred, on the

18th of March, the treaty with the Shawnee Indians, reported the same without amendment.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 25th instant, the nomination of Samuel P. Walker, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Samuel P. Walker, agreeably to the nomination.

WEDNESDAY, JUNE 3, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate William B. Snell to be surveyor and inspector of the revenue for the ports of Warren and Barrington, in the State of Rhode Island, vice William Turner, whose commission will expire on the 21st of June, 1840.

M. VAN BUREN.

WASHINGTON, *May 29th*, 1840.

To the Senate of the United States :

I withdraw the nomination of Thomas James as receiver of public moneys for the district of lands subject to sale at Danville, in the State of Illinois, and nominate Stinson H. Anderson for said office.

M. VAN BUREN.

WASHINGTON, *May 30th*, 1840.

To the Senate of the United States :

I nominate Miles Hotchkiss to be register of the land office for the district of lands subject to sale at Kaskaskia, in the State of Illinois, vice John S. Hacker, who declines the appointment.

M. VAN BUREN.

WASHINGTON, *June 2d*, 1840.

To the Senate :

I nominate Henry W. Tilley to be deputy postmaster at Georgetown District of Columbia, in the place of Harriet H. Corcoran, resigned.

M. VAN BUREN.

WASHINGTON, *June 3d*, 1840.

The messages were read.

Ordered, That the nomination of William B. Snell be referred to the Committee on Commerce.

Ordered, That the nominations of Stinson H. Anderson and Miles Hotchkiss be severally referred to the Committee on Public Lands.

Ordered, That the nomination of Henry W. Tilley be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Buchanan,

The Senate resumed the consideration of the nomination of Hezekiah Gold Rogers, which was laid on the table on the 22d of May ; and, After debate,

It was

Resolved, That the Senate advise and consent to the appointment of Hezekiah Gold Rogers, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 29th of May, the nomination of Sullivan S. Rawson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Sullivan S. Rawson, agreeably to the nomination.

Mr. Fulton, from the Committee on the Post-Office and Post-Roads, to whom was this day referred the nomination of Henry W. Tilley, reported.

Whereupon

The Senate, by unanimous consent, proceeded to consider the said nomination; and it was

Resolved, That the Senate advise and consent to the appointment of Henry W. Tilley, agreeably to the nomination.

On motion by Mr. Merrick,

The Senate resumed the consideration of the nomination of Thomas E. Norris, which was laid on the table on the 3d of April; and it was

Resolved, That the Senate advise and consent to the appointment of Thomas E. Norris, agreeably to the nomination.

MONDAY, JUNE 8, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively annexed to their names, viz :

Seton W. Norris, receiver of public moneys for the district of lands subject to sale at Indianapolis, in the State of Indiana, from July 1st, 1840.

Charles C. Hascall, receiver of public moneys for the district of lands subject to sale at Genesee, in the State of Michigan, from July 5th, 1840.

Matthew Leiper, receiver of public moneys for the district of lands subject to sale at Fayetteville, in the State of Arkansas, from July 10th, 1840.

M. VAN BUREN.

WASHINGTON, *June 3d*, 1840.

To the Senate of the United States :

I nominate William Brown to be collector of the customs for the district and inspector of the revenue for the port of Machias, in the State of Maine, from the 5th of July, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *June 4th*, 1840.

To the Senate of the United States :

I nominate Abraham B. Fannin to be collector of the customs for the district of Savannah, in the State of Georgia, from the 10th of July, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *June 4th*, 1840.

To the Senate of the United States :

I nominate John Douglas Gibson, of Georgia, to be a purser in the Navy, in the place of Peyton A. Southall, removed.

M. VAN BUREN.

WASHINGTON, *June 5th*, 1840.

To the Senate of the United States :

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively annexed to their names, viz :

Nimrod E. Benson, receiver of public moneys for the district of lands subject to sale at Montgomery, in the State of Alabama, July 14th, 1840.

A. B. Morton, register of the land office for the district of lands subject to sale at Milwaukee, in the Territory of Wisconsin, July 5th, 1840.

Rufus Parks, receiver of public moneys for the district of lands subject to sale at Milwaukee, in the Territory of Wisconsin, July 5th, 1840.

M. VAN BUREN.

WASHINGTON, *June 6th*, 1840.

To the Senate of the United States :

I nominate Robert H. Kerr to be surveyor and inspector of the revenue for the port of Pittsburgh, in the State of Pennsylvania, vice Aaron Hart, resigned.

M. VAN BUREN.

WASHINGTON, *June 6th*, 1840.

The messages were read.

Ordered, That the nominations of Seton W. Norris, Charles C. Hascall, Matthew Leiper, Nimrod E. Benson, A. B. Morton, and Rufus Parks be severally referred to the Committee on Public Lands.

Ordered, That the nomination of Robert H. Kerr be referred to the Committee on Commerce.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nominations of William Brown and Abraham B. Fannin.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

On motion by Mr. Lumpkin,

The Senate, by unanimous consent, proceeded to consider the nomination of John Douglas Gibson.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 3d instant, the nominations of Stinson H. Anderson and Miles Hotchkiss, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

The treaty with the Shawnee Indians, which was reported from the Committee on Indian Affairs without amendment on the 29th of May, was read the second time.

The Senate, as in the Committee of the Whole, proceeded to consider

the said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. Sevier submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of a treaty made and concluded by William H. Hunter, especially appointed commissioner on the part of the United States, on the one part, and the chiefs, headmen, and counsellors of the Shawanoes, on the other part, at Fort Leavenworth, Indiana Agency, on the 18th day of December, in the year of our Lord 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the negative, nays 29.

Those who voted are,

Messrs. Anderson, Brown, Buchanan, Calhoun, Clay of Alabama, Crittenden, Dixon, Fulton, Hubbard, Huntington, King, Knight, Linn, Lumpkin, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tallmadge, Walker, Webster, Wright, Young.

So it was

Resolved, That the Senate do not advise and consent to the ratification of the articles of a treaty made and concluded by William H. Hunter, especially appointed commissioner on the part of the United States, on the one part, and the chiefs, headmen, and counsellors of the Shawanoes, on the other part, at Fort Leavenworth, Indiana Agency, on the 18th day of December, in the year of our Lord 1839.

Ordered, That the Secretary lay the said resolution before the President of the United States.

MONDAY, JUNE 15, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Daniel T. Witter to be receiver of public moneys for the district of lands subject to sale at Washington, in the State of Arkansas, from the 10th of July, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *June 8th*, 1840.

I nominate to the Senate Joseph Binda to be consul of the United States for the port of Leghorn, in the place of Thomas Appleton, deceased.

M. VAN BUREN.

WASHINGTON, *June 11th*, 1840.

I nominate to the Senate William L. Marcy, of New York, and John Rowan, of Kentucky, to be commissioners under the act of Congress to carry into effect the convention with the Mexican Republic of the 11th of April, 1839.

M. VAN BUREN.

WASHINGTON, *June 12th*, 1840.

I nominate to the Senate Alexander Dimitry, of Louisiana, to be secretary to the commissioners under the act of Congress to carry into effect the convention with the Mexican Republic of the 11th of April, 1839.

M. VAN BUREN.

WASHINGTON, *June 12th*, 1840.

To the Senate of the United States :

I hereby nominate the persons named in the accompanying communication of the Secretary of War for appointment in the Army of the United States, to take rank in the order in which they are mentioned.

M. VAN BUREN.

WASHINGTON, *June 12th*, 1840.

WAR DEPARTMENT, *June 11th*, 1840.

SIR: I have the honor to propose the following-named persons for appointment in the Army as assistant surgeons, they having been examined and approved by the Army Medical Board now in session in the city of Philadelphia, and respectfully to request that, should it meet your approbation, their names be transmitted to the Senate, to take rank in the order in which they are mentioned, for the constitutional action of that body, viz :

Alfred W. Kennedy, of Kentucky.

William H. Van Buren, of Pennsylvania.

Joseph K. Barnes, of Pennsylvania.

John Robertson, of Delaware.

Levi H. Holden, of Rhode Island.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT U. STATES.

To the Senate of the United States :

I nominate for reappointment John B. Hogan as collector of the customs for the district and inspector of the revenue for the port of Mobile, in the State of Alabama, from the 1st of July, 1840.

M. VAN BUREN.

WASHINGTON, *June 15th*, 1840.

Gentlemen of the Senate :

I nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1839, viz:

Robert Davis at Concord, N. H.

John Regney at Frederick, Md.

Alvin Hunt at Watertown, N. Y.

Henry F. Baker at Winchester, Va.

John S. Roberts at Springfield, Ill.

John R. Chiles at Jackson, Miss.

George F. Baltzell at Apalachicola, Flor.

Ephraim Mills at Burlington, Vt.

M. VAN BUREN.

The messages were read.

Ordered, That the nomination of Daniel T. Witter be referred to the Committee on Public Lands.

Ordered, That the nominations of Joseph Binda and John B. Hogan be severally referred to the Committee on Commerce.

Ordered, That the nominations of assistant surgeons of the Army be referred to the Committee on Military Affairs.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Buchanan,

The Senate, by unanimous consent, proceeded to consider the nominations of William L. Marcy, John Rowan, and Alexander Dimitry.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 8th instant, the nomination of Robert H. Kerr, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

TUESDAY, JUNE 23, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate J. A. B. Leonard to be consul of the United States at Barcelona, in Spain, in the place of Joseph Borrás, to whom the Spanish Government has declined issuing an exequatur.

M. VAN BUREN.

WASHINGTON, *June 17th*, 1840.

To the Senate of the United States :

I nominate Joseph P. Junkins to be collector of the customs for the district and inspector of the revenue for the port of York, in the State of Maine, from the 1st of July, 1840, vice Mark Dennett, resigned.

M. VAN BUREN.

WASHINGTON, *June 17th*, 1840.

To the Senate of the United States :

I hereby nominate Doctor John S. Griffin, of Kentucky, for appointment in the Army of the United States, as assistant surgeon, to rank from the 18th of June, 1840, vice G. R. Clarke, resigned, agreeably to the annexed communication of the Secretary of War.

M. VAN BUREN.

WASHINGTON CITY, *June —*, 1840.

WAR DEPARTMENT, *June 18th*, 1840.

SIR: I have the honor to request that the name of Doctor John S. Griffin, of Kentucky, if it meet your approbation, be transmitted to the Senate, for the constitutional action of that body, for appointment in the Army as assistant surgeon, to rank from this date, vice G. R. Clarke, resigned.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States:

I nominate Elias Kane to be Navy agent for the navy yard in the city of Washington and for the Navy Department, for four years from the 14th of July, 1840, when his present commission will expire.

Benjamin D. Heriot to be Navy agent for the port of Charleston, So. Ca., for four years from the 4th of Oct. next, at which time his present commission will expire.

M. VAN BUREN.

WASHINGTON, *June 20th*, 1840.

Gentlemen of the Senate:

I nominate, for your advice and consent, the following persons to be deputy postmasters at the several places named, to take effect from the 2d of July, 1840, viz:

Jonathan I. Coddington at New York, N. Y.
Samuel Cushman at Portsmouth, N. H.
Asa Green at Brattleboro', Vt.
Nathaniel Greene at Boston, Mass.
Simeon Bailey at New Bedford, Mass.
Joseph Couch at Newburyport, Mass.
Thomas Shepherd at Northampton, Mass.
Robert R. Carr at Newport, R. I.
Edward I. Mallett at Providence, R. I.
Gideon Welles at Hartford, C't.
Albert Lester at Canandaigua, N. Y.
Godfrey I. Grosvenor at Geneva, N. Y.
Ebenezer Mack at Ithaca, N. Y.
Hezekiah W. Scovell at Lockport, N. Y.
Jacob Van Benthysen at Poughkeepsie, N. Y.
Jonas Earll, jun'r at Syracuse, N. Y.
Isaac McConihe at Troy, N. Y.
Augustine G. Danby at Utica, N. Y.
James Peacock at Harrisburgh, Pa.
Mary Dickson at Lancaster, Pa.
James Page at Philadelphia, Pa.
Nicholas G. Williamson at Wilmington, Del.
Eleazer P. Kendrick at Chillicothe, Ohio.
Bela Latham at Columbus, Ohio.
Sheldon McKnight at Detroit, Mich.
Daniel Bryan at Alexandria, D. C.
John D. Murrell at Lynchburgh, Va.
Thomas Shore at Petersburg, Va.
John McRae at Fayetteville, N. C.
Thomas G. Scott at Raleigh, N. C.
Alfred Huger at Charleston, S. C.
Benjamin Rawls at Columbia, S. C.
Keeland Tyner at Macon, Ga.
George Schley at Savannah, Ga.
Neil Blue at Montgomery, Ala.
Marcus B. Winchester at Memphis, Te.
Robert Armstrong at Nashville, Te.
Joseph Ficklin at Lexington, Ky.
John Scott at Vincennes, Ind'a.
John Cain at Indianapolis, Ind'a.

M. VAN BUREN.

Gentlemen of the Senate:

I nominate, for your advice and consent, the following persons to be deputy postmasters at the several places named, to take effect from the 2d day of July, 1840, viz :

William H. Jones at New Haven, Conn.

Pruden Ailing at Newark, N. J.

Smith Jackson at Erie, Pa.

William Burke at Cincinnati, Ohio.

Reuben T. Thom at Fredericksburgh, Va.

William L. Jeter at Columbus, Geo.

Frederick Sims at Macon, Geo.

Thomas Watson at St. Louis, M'ri.

Peter Besancon at Natchez, Miss.

I withdraw the nomination of Keeland Tyuer, heretofore made, as postmaster for Macon, Georgia, and nominate Frederick Simms as postmaster for that place, to take effect from the 2d of July.

M. VAN BUREN.

To the Senate of the United States:

I nominate Purdy McElvain to be register of the land office for the district of lands subject to sale at Marion, in the State of Ohio, from the 5th of July, 1840, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *June 23d*, 1836.

The messages were read.

Ordered, That the nominations of J. A. B. Leonard and Joseph P. Jenkins be severally referred to the Committee on Commerce.

Ordered, That the nomination of John S. Griffin be referred to the Committee on Military Affairs.

Ordered, That the nominations of Elias Kane and Benjamin D. Heriot be referred to the Committee on Naval Affairs.

Ordered, That the messages nominating deputy postmasters be severally referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of Purdy McElvain be referred to the Committee on Public Lands.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 15th instant, the nominations of Robert Davis, John Rigney, Alvin Hunt, Henry F. Baker, John S. Roberts, John R. Chiles, George F. Baltzell, and Ephraim Mills, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 8th instant, the nominations of Seton W. Norris, Charles C. Hascall, Matthew Leiper, Nimrod E. Benson, and Rufus Parks, and, on the 15th instant, the nomination of Daniel T. Witter, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

On motion by Mr. Allen,

Ordered, That the original documents transmitted to the Senate by the President with his message of the 4th of March last, transmitting the convention between the United States and the Mexican Republic, be returned to the Secretary of State.

WEDNESDAY, JUNE 24, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Frederick Kappel to be consul of the United States at Pesth, in Hungary.

M. VAN BUREN.

WASHINGTON, *June 23d*, 1840.*Gentlemen of the Senate:*

I hereby recall the nomination of Peter Besancon for the office of deputy postmaster at Natchez, Miss., made on yesterday; and I now nominate for your advice and consent Woodson Wren to be deputy postmaster at Natchez, in the State of Mississippi, to take effect from the 2d day of July, 1840.

M. VAN BUREN.

To the Senate of the United States:

I lay before you, for your consideration, a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover, signed by their ministers on the 20th day of May last.

M. VAN BUREN.

WASHINGTON, *22d June*, 1840.

The messages were read.

Ordered, That the nomination of Frederick Kappel be referred to the Committee on Commerce.

Ordered, That the message nominating Woodson Wren be referred to the Committee on the Post-Office and Post-Roads.

The treaty of commerce and navigation with the King of Hanover was read.

On motion by Mr. Buchanan,

Ordered, That the said treaty, with the message and documents transmitted therewith, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 15th instant, the nominations of Alfred W. Kennedy, William H. Van Buren, Joseph K. Barnes, John Robertson, and Levi H. Holden, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Lumpkin, from the Committee on the Post-Office and Post-Roads to whom were referred, on the 23d instant, the nominations of George Schley and Frederick Sims, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their respective nominations.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 8th instant, the nomination of A. B. Morton, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

FRIDAY, JUNE 26, 1840.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 23d instant, the nominations of Jonathan I. Coddington, Samuel Cushman, Asa Green, Nathaniel Greene, Simeon Bailey, Joseph Couch, Thomas Shepherd, Robert R. Carr, Edward I. Mallett, Gideon Welles, Albert Lester, Godfrey I. Grosvenor, Ebenezer Mack, Hezekiah W. Scovell, Jacob Van Benthuyssen, Jonas Earle, jun'r, Isaac McConihe, Augustine G. Danby, James Peacock, Mary Dickson, James Page, Nicholas G. Williamson, Eleazer P. Kendrick, Bela Latham, Sheldon McKnight, Daniel Bryan, John D. Murrell, Thomas Shore, John McRae, Thomas G. Scott, Alfred Huger, Benjamin Rawles, Neil Blue, Marcus B. Winchester, Robert Armstrong, Joseph Ficklin, John Scott, John Cain, William H. Jones, Pruden Alling, Smith Jackson, William Burke, Reuben T. Thorn, and Thomas Watson, and to whom was referred, on the 24th instant, the nomination of Woodson Wren, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Benton, from the committee on Military Affairs, to whom was referred, on the 23d instant, the nomination of John S. Griffin, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 3d instant, the nomination of William B. Snell; on the 15th instant, that of John B. Hogan and; on the 24th instant, that of Frederick Kappel, reported.

Whereupon

Resolved, That the Senate advise and consent to their appointment, agreeably to their respective nominations.

THURSDAY, JULY 2, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Benjamin B. French to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *June 26th*, 1840.*Gentlemen of the Senate:*

I nominate, for your advice and consent, George Rathbun to be deputy postmaster at Auburn, in the State of New York, in place of Hiram Bostwick, whose appointment will expire on the 2d July, 1840.

M. VAN BUREN.

WASHINGTON, *June 30th*, 1840.

I also nominate Joseph W. Manson to be deputy postmaster at Lowell, Massachusetts, in the place of E. Case, whose appointment will expire on the 2d of July.

M. VAN BUREN.

To the Senate of the United States:

I nominate William Leigh, now a passed midshipman, to be a lieutenant in the Navy, from the 30th of May, 1840, to fill a vacancy occasioned by the death of Lieutenant John Weems.

Samuel Larkin, jr., now a passed midshipman, to be a lieutenant in the Navy, from this date, to fill a vacancy occasioned by the resignation of Lieutenant Owen Burns.

M. VAN BUREN.

WASHINGTON, *July 1st*, 1840.

To the Senate:

I nominate John K. Morehead, to be deputy postmaster at Pittsburgh, in Pennsylvania, in the place of David Lynch, whose office expires on the 2d inst.

I nominate also John Schley to be deputy postmaster at Columbus, Georgia, and do hereby withdraw the nomination of Wm. L. Peter for the same place.

M. VAN BUREN.

WASHINGTON, *July 2d*, 1840.

The messages were read.

On motion by Mr. Hubbard,

The Senate, by unanimous consent, proceeded to consider the nomination of Benjamin B. French.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Lumpkin,

The Senate, by unanimous consent, proceeded to consider the nomination of John Schley.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Ordered, That the nominations of George Rathbun, Joseph W. Manson, and John K. Morehead be severally referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations of William Leigh and Samuel Larkin be referred to the Committee on Naval Affairs.

Mr. King, from the Committee on Commerce, to whom was referred, on the 23d of June, the nomination of Joseph P. Junkins, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

MONDAY, JULY 6, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate:

I nominate J. K. Morehead to be deputy postmaster at Pittsburgh, instead of John K. Morehead, heretofore nominated for that place.

M. VAN BUREN.

JULY 3D, 1840.

Gentlemen of the Senate:

I hereby withdraw the nomination of Joseph W. Manson for the office of deputy postmaster at Lowell, Massachusetts, heretofore made, and

I now nominate for your advice and consent Eliphalet Case as deputy postmaster at Lowell, in the State of Massachusetts, whose present appointment expired on the 2d instant.

M. VAN BUREN.

WASHINGTON, *July 6th*, 1840.

The messages were read.

Ordered, That the nomination of Eliphalet Case be referred to the Committee on the Post-Office and Post-Roads.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 2d instant, the nominations of John K. Morehead and George Rathbun, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George Rathbun, agreeably to his nomination, and to that of J. K. Morehead, agreeably to the message received this day.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 23d of June, the nominations of Elias Kane and Benjamin D. Heriot, and, on the 2d instant, those of William Leigh and Samuel Larkin, jun'r, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

WEDNESDAY, JULY 8, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I hereby nominate the following paymasters for reappointment to the Army, to take effect from the dates on which their present terms expire, agreeably to the annexed recommendation of the Secretary of War, viz:

Elbert Herring, July 4, 1840.

Edmund Kirby, August 5, 1840.

Wharton Rector, August 15th, 1840.

M. VAN BUREN.

WASHINGTON CITY, *July 3d*, 1840.

WAR DEPARTMENT, *July 2d*, 1840.

SIR: I have the honor to submit for transmission to the Senate, if you think proper, the names of the following paymasters for reappointment to the Army, whose terms will expire before the next session of Congress, to take effect from the dates on which their present terms expire, viz: Elbert Herring, July 4th, 1840; Edmund Kirby, August 5th, 1840; Wharton Rector, August 15th, 1840.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

I nominate to the Senate John Martin Baker to be consul of the United States for the port of Nuevitas, in the island of Cuba.

M. VAN BUREN.

WASHINGTON, *July 3d*, 1840.

I nominate to the Senate L. W. Smith to be attorney of the United States for the southern district of Florida.

M. VAN BUREN.

WASHINGTON, *July 7th*, 1840.

To the Senate of the United States :

I nominate Jabez B. Larwill to be register of the land office for the district of lands subject to sale at Bucyrus, in the State of Ohio, vice John Caldwell, whose commission expired on the 5th instant.

I also nominate George Lauck to be receiver of public moneys for the district of lands subject to sale at the same place, vice Joseph H. Larwill, resigned.

M. VAN BUREN.

WASHINGTON, *July 7th*, 1840.

To the Senate of the United States :

I nominate for appointment the following persons to the offices of "receivers-general of public money," under the act approved July 4th, 1840, entitled "An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue":

Stephen Allen at the city of New York, in the State of New York;

Isaac Hill at the city of Boston, in the State of Massachusetts;

James R. Pringle at the city of Charleston, in the State of South Carolina; and

George Penn at the city of St. Louis, in the State of Missouri.

M. VAN BUREN.

WASHINGTON, *July 8th*, 1840.

The messages were read.

Ordered, That the nominations of Elbert Herring, Edmund Kirby, and Wharton Rector be referred to the Committee on Military Affairs.

Ordered, That the nomination of John Martin Baker be referred to the Committee on Commerce.

Ordered, That the nomination of L. W. Smith be referred to the Committee on the Judiciary.

Ordered, That the nominations of Stephen Allen, Isaac Hill, James R. Pringle, and George Penn, be referred to the Committee on Finance.

On motion by Mr. Tappan,

Ordered, That the nominations of Jabez W. Larwill and George Lauck be laid on the table.

Mr. Lumpkin, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 6th instant, the nomination of Eliphalet Case, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

SATURDAY, JULY 11, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I withdraw the nomination, made on the 7th instant, of George Lauck to be receiver of public moneys for the district of lands subject to sale

at Bucyrus, in the State of Ohio, vice Joseph H. Larwill, resigned, and nominate John Caldwell for said office.

A commission having been granted during the recess of the Senate to Parker Dudley as receiver of public moneys for the district of lands subject to sale at Palmyra, in the State of Mississippi, vice Abraham Bird, removed, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, *July 9th*, 1840.

I nominate to the Senate Edward James Glasgow to be consul of the United States at Guaymas, in the Republic of Mexico.

M. VAN BUREN.

WASHINGTON, *July 9th*, 1840.

To the Senate of the United States:

I recommend the change in the dates of the commissions of the officers mentioned in the annexed list, for the reasons set forth in the accompanying letter of the Secretary of War.

M. VAN BUREN.

WASHINGTON CITY, *July 11th*, 1840.

WAR DEPARTMENT, *July 10th*, 1840.

SIR: I have the honor to submit, for your consideration and transmission to the Senate, if you think proper, the annexed list of captains and subalterns whose dates of commissions are recommended to be changed in order that their proper relative rank in the Army may be given them, which is rendered necessary by the change in the date of rank of the three majors (Baker, Lomax, and Ripley), of the Ordnance Department, whose appointments of major created vacancies to which the officers on this list succeeded by regular promotion.

Very respectfully, y^r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *July 10th*, 1840.

List of certain captains and subalterns whose dates of commissions are required to be changed in order to restore their proper relative rank in the Army:

Captain Hezekiah Garner, of the 3d Regiment of Artillery, to rank from 7 July, 1838, instead of July 9, 1838.

Captain William Maynadier, of ordnance, to rank from 7 July, 1838, instead of 9 July, 1838.

Captain William A. Thornton, of ordnance, to rank from 7 July, 1838, instead of 9 July, 1838.

1st Lieutenant James L. Donaldson, of the 1st Regiment of Artillery, to rank from 7 July, 1838, instead of 9 July, 1838.

1st Lieutenant John W. Phelps, of the 4th Regiment of Artillery, to rank from 7 July, 1838, instead of 9 July, 1838.

1st Lieutenant George Taylor, of the 3d Regiment of Artillery, to rank from 7 July, 1838, instead of 9 July, 1838.

The messages were read.

Ordered, That the nominations of John Caldwell and Parker Dudley be referred to the Committee on Public Lands.

Ordered, That the nomination of Edward James Glasgow be referred to the Committee on Commerce.

Ordered, That the message of the President recommending a change in the dates of rank of certain officers of the Army be referred to the Committee on Military Affairs.

Mr. Wright, from the Committee on Finance, to whom were referred, on the 8th instant, the nominations of Stephen Allen, Isaac Hill, James R. Pringle, and George Penn, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Norvell, from the Committee on Commerce, to whom were referred, on the 15th of June, the nomination of Joseph Binda; on the 23d of June, that of G. A. B. Leonard; and, on the 8th instant, that of John Martin Baker, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

On motion by Mr. Walker,

The Senate proceeded to consider the nomination of Jabez B. Larwill, received on the 8th instant.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Jabez B. Larwill, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to was this day referred the nomination of John Caldwell, reported.

On motion by Mr. Walker,

The Senate, by unanimous consent, proceeded to consider the said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Caldwell, agreeably to the nomination.

WEDNESDAY, JULY 15, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Joseph Johnson to be receiver-general of public money at the city of Charleston, in the State of South Carolina, vice James R. Pringle, who declines the appointment.

M. VAN BUREN.

WASHINGTON, *July 13th*, 1840.

To the Senate of the United States:

I nominate Henry Deas to be collector of the customs for the district of Charleston, in the State of South Carolina, vice James R. Pringle, resigned.

M. VAN BUREN.

WASHINGTON, *July 13th*, 1840.

To the Senate of the United States :

I nominate Henry S. Stellwagen, now a passed midshipman, to be a lieutenant in the Navy, from the 2d of July, 1840, to fill a vacancy occasioned by the death of Lieutenant Alex'r C. Maury.

James L. Henderson, now a passed midshipman, to be a lieutenant in the Navy, from the 6th of July, 1840, to fill a vacancy occasioned by the death of Lieut. John E. Prentiss.

M. VAN BUREN.

WASHINGTON, *July 13th*, 1840.

I nominate to the Senate Ramon Leon Sanchez to be consul of the United States for the port of Carthagen, in the Republic of New Grenada.

M. VAN BUREN.

WASHINGTON, *July 13th*, 1840.

I nominate to the Senate Mahlon Dickerson to be judge of the United States for the district of New Jersey, in the place of William Rossell, deceased.

M. VAN BUREN.

WASHINGTON, *July 14th*, 1840.

The messages were read.

Ordered, That the nominations of Joseph Johnson and Henry Deas be referred to the Committee on Finance.

Ordered, That the nominations of Henry S. Stellwagen and James L. Henderson be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Ramon Leon Sanchez be referred to the Committee on Commerce.

Ordered, That the nomination of Mahlon Dickerson be referred to the Committee on the Judiciary.

On motion by Mr. Buchanan,

The Senate resumed the consideration of the resolution for the ratification of the treaty with the Republic of Ecuador, submitted on the 16th of March last; and

On the question to agree thereto,

It was determined in the affirmative, yeas 33.

Those who voted are,

Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clayton, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Merrick, Nicholas, Norvell, Phelps, Pierce, Porter, Preston, Roane, Robinson, Ruggles, Smith of Connecticut, Sturgeon, Tallmadge, Tappan, Walker, Wall, White, Williams, Wright, Young.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 24th of June, the treaty with the King of Hanover, reported the same without amendment.

The said treaty was read the second time.

The Senate, as in Committee of the Whole, proceeded to consider said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Sen-

ate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover, concluded at Berlin the 20th of May, 1840.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 33.

Those who voted are,

Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Merrick, Nicholas, Norvell, Phelps, Pierce, Porter, Preston, Roane, Robinson, Ruggles, Smith of Connecticut, Sturgeon, Tallmadge, Tappan, Walker, Wall, White, Williams, Wright.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Wright, from the Committee on Finance, to whom were, this day, referred the nominations of Joseph Johnson and Henry Deas, reported.

On motion by Mr. Wright,

The Senate, by unanimous consent, proceeded to consider the said nominations.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 11th instant, the nomination of Parker Dudley, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Norvell, from the Committee on Commerce, to whom was referred, on the 11th instant, the nomination of Edward James Glasgow, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 8th instant, the nominations of Elbert Herring, Edmund Kirby, and Wharton Rector, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

MONDAY, JULY 20, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate John I. Bailey to be consul of the United States at Genoa, in the Kingdom of Sardinia, in the place of Robert Campbell, deceased.

M. VAN BUREN.

WASHINGTON, *July 15th*, 1840.

To the Senate of the United States :

I nominate Robert White to be collector of the customs for the district and inspector of the revenue for the port of Georgetown, in the District of Columbia, Vice Thomas Turner, resigned.

M. VAN BUREN.

WASHINGTON, *July 16th*, 1840.

I nominate to the Senate William H. Haywood, jun'r, to be attorney of the United States for the district of North Carolina, in the place of James B. Shepard, resigned.

M. VAN BUREN.

WASHINGTON, *July 16th*, 1840.

I nominate to the Senate Robert Henry Clements to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *July 17th*, 1840.

I nominate to the Senate James T. Archer to be attorney of the United States for the western district of Florida, in the place of Vinton Butler.

M. VAN BUREN.

WASHINGTON, *July 17th*, 1840.

To the Senate of the United States :

I nominate John M. Cornellison to be assistant collector of the customs for the district of New York, to reside at Jersey City, in the State of New Jersey, vice John I. Plume, appointed during the recess of the Senate in place of Aaron Ogden, deceased.

M. VAN BUREN.

WASHINGTON, *July 18th*, 1840.

To the Senate of the United States :

I withdraw the nomination made on the 23d ult'o of Purdy McElvain as register of the land office for the district of lands subject to sale at Marion, in the State of Ohio, a longer continuance of the office being unnecessary.

M. VAN BUREN.

WASHINGTON, *July 18th*, 1840.

To the Senate of the United States :

I nominate John H. Battie to be surveyor and inspector of the revenue for the ports of Petersburg and City Point, in the State of Virginia, vice Edward Pescud, deceased.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

To the Senate of the United States :

I nominate A. H. Wildes to be collector of the customs for the district and inspector of the revenue for the port of Ipswich, in the State of Massachusetts, vice Timothy Souther, resigned.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

To the Senate of the United States :

I nominate Henry L. Pinckney to be collector of the customs for the district of Charleston, in the State of South Carolina, vice Henry Deas, who declines the appointment.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotion and appointment in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

WAR DEPARTMENT,
Washington, July 20th, 1840.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion and persons for appointment in the Army of the United States.

I am, sir, with great respect, y'r ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *July 20th*, 1840.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Corps of Engineers:

Second Lieutenant Isaac J. Stevens to be first lieutenant, 1st July, 1840.

Cadet Paul O. Hebert to be second lieutenant, 1st July, 1840.

Ordnance Department.

First Lieutenant John Williamson to be captain, 22d May, 1840, vice d'Lagnel, deceased.

Second Lieutenant Peter V. Hagner to be first lieutenant, 22d May, 1840, vice Williamson, promoted.

Cadet Charles P. Kingsbury to be second lieutenant, 1st July, 1840.

Cadet John McNutt to be brevet second lieutenant, 1st July, 1840.

First Regiment of Dragoons.

Cadet Richard S. Ewell to be brevet second lieutenant, 1st July, 1840.

Cadet John W. T. Gardiner to be brevet second lieutenant, 1st July, 1840.

Cadet William G. Torrey to be brevet second lieutenant, 1st July, 1840.

Second Regiment of Dragoons.

First Lieutenant Croghan Ker to be captain, 8th March, 1840, vice Winder, deceased.

Second Lieutenant Henry H. Sibley to be first lieutenant, 8th March, 1840, vice Ker, promoted.

Cadet Fowler Hamilton to be second lieutenant, 1st July, 1840.

Cadet Oscar T. Winship to be second lieutenant, 1st July, 1840.

Cadet Reuben P. Campbell to be second lieutenant, 1st July, 1840.

Cadet William Robertson to be brevet second lieutenant, 1st July, 1840.

Cadet William Steele to be brevet second lieutenant, 1st July, 1840.

Cadet Daniel G. Rogers to be brevet second lieutenant, 1st July, 1840.

First Regiment of Artillery.

Cadet James G. Martin to be second lieutenant, 1st July, 1840.

Second Regiment of Artillery.

Cadet William Hays to be second lieutenant, 1st July, 1840.

Third Regiment of Artillery.

Second Lieutenant James L. Rankin to be first lieutenant, 1st April, 1840, vice Board, resigned.

Cadet William P. Jones to be second lieutenant, 1st July, 1840.

Cadet William Gilham to be second lieutenant, 1st July, 1840.

Cadet William T. Sherman to be second lieutenant, 1st July, 1840.

Cadet William H. Churchill to be second lieutenant, 1 July, 1840.

Cadet Stewart Van Vliet to be second lieutenant, 1st July, 1840.

Cadet George H. Thomas to be second lieutenant, 1st July, 1840.

Cadet Horace B. Field to be second lieutenant, 1st July, 1840.

Fourth Regiment of Artillery.

Cadet John P. McCown to be second lieutenant, 1st July, 1840.

Cadet Francis N. Clark to be second lieutenant, 1st July, 1840.

Cadet George W. Getty to be second lieutenant, 1st July, 1840.

First Regiment of Infantry.

Theophile d'Orémienla to be second lieutenant, 1st July, 1840.

Cadet Job B. H. Lancaster to be second lieutenant, 1st July, 1840.

Cadet Stephen D. Carpenter to be brevet second lieutenant, 1st July, 1840.

Second Regiment of Infantry.

Cadet Bryant P. Tilden, jr., to be second lieutenant, 1st July, 1840.

Cadet James N. Caldwell to be brevet second lieutenant, 1st July, 1840.

Cadet John D. Bacon to be brevet second lieutenant, 1st July, 1840.

Third Regiment of Infantry.

Second Lieutenant Lewis S. Craig to be first lieutenant, 1st June, 1840, vice Martin, resigned.

Cadet Bushrod R. Johnson to be second lieutenant, 1st July, 1840.

Cadet Henry D. Wallen to be brevet second lieutenant, 1st July, 1840.

Fourth Regiment of Infantry.

Second lieutenant William G. Grandin to be first lieutenant, 1st April, 1840, vice Hooper, resigned.

Cadet Thaddeus Higgins to be second lieutenant, 1st July, 1840.

Cadet Oliver Lathrop Shepherd to be brevet second lieutenant, 1st July, 1840.

Fifth Regiment of Infantry.

Cadet Henry Whiting to be second lieutenant, 1st July, 1840.

Cadet Pinkney Lugenbeel to be brevet second lieutenant, 1st July, 1840.

Cadet Thomas Jordan to be brevet second lieutenant, 1st July, 1840.

Sixth Regiment of Infantry.

Cadet Robert P. MaClay to be brevet second lieutenant, 1st July, 1840.

Cadet Douglas S. J. Irwin to be brevet second lieutenant, 1st July, 1840.

Seventh Regiment of Infantry.

Cadet Charles H. Humber to be second lieutenant, 1st July, 1840.

Cadet Henry Wardwell to be brevet second lieutenant, 1st July, 1840.

Eighth Regiment of Infantry.

Cadet Joseph S. Folsom to be brevet second lieutenant, 1st July, 1840.

Cadet William B. Johns to be brevet second lieutenant, 1st July, 1840.

The messages were read.

Ordered, That the nominations of John I. Bailey, Robert White, John M. Cornellison, John H. Battie, and A. H. Wildes be severally referred to the Committee on Commerce.

On motion by Mr. Norvell,

The Senate, by unanimous consent, proceeded to consider the nomination of Henry L. Pinckney.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Ordered, That the nominations of William H. Haywood and James T. Archer be severally referred to the Committee on the Judiciary.

On motion by Mr. Wall,

The vote referring the nomination of William H. Haywood to the Committee on the Judiciary was reconsidered, and the Senate, by unanimous consent, proceeded to consider the said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William H. Haywood, agreeably to the nomination.

Ordered, That the nomination of Robert Henry Clements be referred to the Committee on the District of Columbia.

Ordered, That the nominations for promotions and appointments in the Army be referred to the Committee on Military Affairs.

Mr. Benton, from that committee, to whom was referred, on the 11th instant, the message from the President of the United States, recommending a change in the date of rank of certain officers of the Army therein named, reported.

Whereupon

Resolved, That the Senate advise and consent to the change in the dates of rank of those officers respectively as recommended by the said message.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 12th of May last, the nomination of Robert Butler, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Strange, from the Committee on Naval Affairs, to whom were referred, on the 15th instant, the nominations of Henry S. Stellwagen and James L. Henderson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Strange, from the Committee on the Judiciary, to whom was referred, on the 15th instant, the nomination of Mahlon Dickerson, reported.

On motion by Mr. Clay, of Alabama,

Ordered, That the said nomination be laid on the table.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 8th instant, the nomination of L. W. Smith, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

HALF-PAST 4 O'CLOCK IN THE EVENING.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Christopher C. Rice, of New York, to be a purser in the Navy from the 17th of October, 1839, the date of his appointment in the recess of the Senate; and

John B. Rittenhouse, of Alabama, to be a purser in the Navy, in the place of James Brooks, dismissed the service.

Thomas Gadsden, of South Carolina, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

To the Senate of the United States :

I nominate David C. Judson to be collector of the customs for the district of Oswegatchie and inspector of revenue for the port of Ogdensburg, in the State of New York, vice Smith Stilwell, resigned, to take effect on the 1st of Oct'r, 1840.

M. VAN BUREN.

WASHINGTON, *July 20th*, 1840.

The messages were read.

On motion by Mr. Clay, of Alabama,

The Senate, by unanimous consent, proceeded to consider the nominations of Christopher C. Rice, John B. Rittenhouse, and Thomas Gadsden.

Whereupon

Resolved, That the Senate advise and consent to their appointment, agreeably to their respective nominations.

On motion by Mr. Norvell,

The Senate, by unanimous consent, proceeded to consider the nomination of David C. Judson.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Norvell, from the Committee on Commerce, to whom were referred, on the 15th instant, the nomination of Ramon Leon Sanchez, and on this day those of John I. Bailey, Robert White, John M. Cornellison, John H. Battie, and A. H. Wildes, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Ramon Leon Sanchez, agreeably to the nomination.

On motion by Mr. Norvell,

The Senate, by unanimous consent, proceeded to consider the five other nominations reported by him this day.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were this day referred the nominations of sundry officers for promotion and appointment in the Army of the United States, reported.

On motion by Mr. Benton,

The Senate, by unanimous consent, proceeded to consider the said nominations.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Merrick, from the Committee on the District of Columbia, to whom was this day referred the nomination of Robert Henry Clements, reported.

On motion by Mr. Merrick,

The Senate, by unanimous consent, proceeded to consider the said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert Henry Clements, agreeably to the nomination.

Mr. Wall, from the Committee on the Judiciary, to whom was this day referred the nomination of James T. Archer, reported.

On motion by Mr. Wall,

The Senate, by unanimous consent, proceeded to consider the said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James T. Archer, agreeably to the nomination.

TUESDAY, JULY 21, 1840.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Richmond Dennis to be register of the land office for the district of lands subject to sale at Greensburg, in the State of Louisiana, vice H. P. Womack, resigned.

M. VAN BUREN.

WASHINGTON, *July* —, 1840.

The message was read.

On motion by Mr. Nicholas,

The Senate, by unanimous consent, proceeded to consider the nomination of Richmond Dennis.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Clay, of Alabama,

The Senate resumed the consideration of the nomination of Mahlon Dickerson.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.